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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 86 of 1987
~~FILE NO.~~

DATE OF DECISION 24.9.87

Shri M. V. Rajwadi Petitioner/Applicant

Mrs M. D. Daruwala Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri S. K. Kundra Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S. P. MUKERJI, ADMINISTRATIVE MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No


(S. P. MUKERJI)

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Shri M.V. Rajwadi . . Applicant

Vs.

Union of India and Others . . Respondents

Mrs M. D. Daruwala . . Counsel for applicant
 . . Counsel for respondents

CORAM

The Hon'ble Shri S. P. Mukerji, Administrative Member

JUDGMENT

The applicant who retired as Assistant Editor in the Office of the Collected Works of Mahatma Gandhi under the Ministry of Information and Broadcasting on 31.3.1987 on the basis of his recorded date of birth as 1.4.1929, moved this Tribunal with his application dated 14.1.1987 under Section 19 of the Administrative Tribunals Act, 1985 praying that the recorded date of birth may be corrected as 11.12.1932 and respondents restrained from retiring him on the basis of the recorded date of birth and that the respondents be directed to re-examine his case on the basis of certificate birth and death produced by him.

2. I ~~do~~^{do} have heard the arguments of the learned counsel for ^{the} applicant and gone through pleadings of both the parties. It is admitted by

by the applicant that the date of birth recorded in the Service Book is 1.4.1929 based on the Matriculation Certificate which also carries the same date of birth. It is also admitted by the learned counsel for the applicant that the applicant did not make any representations in writing to the respondents between 4.2.1966 when he was appointed and 18.4.1986 when he applied for the first time in writing for the correction of the date of birth. The application was rejected on 18.12.1986 by the respondents. The argument of the learned counsel for the applicant is that being a Bhil, a Scheduled Tribe, the applicant was ignorant about the Service Rules and besides making oral representations and getting an affidavit from his father on 14.4.1967, immediately after his recruitment ^{he} did not make any written representation for correcting the date of birth. According to her, the date recorded in the Matriculation Certificate also was wrong and now that the applicant has produced the extracts from the Registry ^{of} of Births and Deaths, and the age recorded in his Life Insurance Policy, ^{as also the} affidavit of his father, ^{and} his representation should have been duly considered and not summarily rejected by a non speaking order.

3. The applicant is a literate person and from the photocopy of the first page of the Service Book of the applicant attached with the counter-

affidavit it is clear that the applicant had himself in his own hand recorded his date of birth as 1.4.1929 in figures and words. He kept quiet for 20 years and at the fag end of his career made a representation solely based on the extracts ^{from the} of Birth and Death Register ^{and} and an affidavit of 1969 ^{from} from his father.

Against these documents the Matriculation Certificate admittedly based on entries made in the ^{records of} Educational Institutions, ^{which} bore the same date ^{of} birth as the service records.

It has been held by the Tribunal in M. Asokan Alias Munuswamy Vs. General Manager and others ATR 1986(2) CAT 142 that entries in the Birth and Death Register are not of much evidential value as they denote the factum of birth but not ^{the} date of birth. On the other hand, the date of birth entered in the Matriculation Certificate has been traditionally considered to be an authoritative proof of date of birth for service records. Once this date of birth is

entered in these records and goes unchallenged for about 20 ^{years as} in this case, Unless there is ^{contrary} overwhelming evidential proof, the time honoured date of birth recorded in Service Book cannot be altered. The sanctity of such entry in the Service Book is also endorsed by Rule 79(2) of the General Financial Rules. In the present case, the entry made in the Service Book ⁱⁿ by the applicant's own hand and the Matriculation

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Certificate are ^{of such} ~~also~~ ^{to} weighty evidential value
through their character as also by their age and standing
that I do not find it necessary to intervene
in the matter even by ordering ~~for~~ ^{to} a detailed
enquiry through a Commissioner as prayed for
by the applicant. The age of the applicant
accepted by the LIC is of no consequence so far as
this case is concerned. The application is
rejected. There will be no order as to costs.

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24.9.87

(S. P. MUKERJI)
ADMINISTRATIVE MEMBER