

5-7-1990

OA 1232/90

Present:

Shri V. Pal Singhal, counsel for the applicant.

Mrs. Raj Kumari Chopra, counsel for the respondents.

*Heard*

*the Counsel on both sides.*

*for*

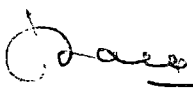
This is a case under Section 19 of the Administrative Tribunal Act, 1985 filed by Shri Bhagh Singh working as a ~~clerk~~ *clerk* in the Office of the respondents in the Ministry of Defence against the order of retirement, retiring him on 30-6-1990 based on the entry in his service records where his date of birth has been shown as 17 years on 17-12-1947. The case of the applicant is that at the time of appointment in 1947, he was actually 10 years old. The applicant states that the pay of the applicant at the time of his appointment was fixed at Rs.26 per month in the scale of Rs.30½-35 taking into account 8 years boy's service as otherwise the pay should have been fixed at Rs.29.50 per month and not Rs.26 per month. The applicant belongs to a weaker section of the Society and at the time of entry, the date of birth was not recorded on the basis of Medical Certificate issued by the Medical Officer at the time of initial appointment. Being illiterate, the applicant could not know that there was a difference of 7-8 years in his date of birth as recorded. The learned counsel for the applicant stated that since, there was a confusion about the age, there should have been a proper enquiry and the applicant should not be retired on the basis of the age recorded in the service record. The Medical Certificate produced in 1990 indicates the age of the applicant as 53 years.

While, it is true that a person has right to get his date of birth changed at any time

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but there should be very strong evidence to take up such cases at the time of retirement of a person. The applicant took no action for 43 long years to get the date of birth changed and represented only after receiving the notice of superannuation. Merely because the pay of the applicant was fixed at Rs.26 per month, this cannot be a conclusive proof that a person was appointed as peon/farash at the age of 10 years, this should clearly be against the Government ~~servant~~ rules. The applicant <sup>has</sup> filed this application for change of date of birth at this stage, ~~just to get some~~ <sup>consequential benefits</sup> but the same is really very much belated and cannot be accepted. The application is dismissed. There will be no orders as to cost.

  
( J.P. SHARMA )  
MEMBER (J)

  
( B.C. MATHUR )  
VICE CHAIRMAN

5.7.90