

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.1854/90

New Delhi this the 1st Day of November, 1993.

THE HON'BLE MR. B.N. DHOONDIYAL, MEMBER(A)

Sh. Kamal Singh
S/o Sh. Bhagwana,
T.No.1375/CM, Mason,
Ordnance Factory,
Muradnagar,
Distt.Ghaziabad(UP)

... Petitioner

(By Advocate Shri V.P. Sharma)

versus

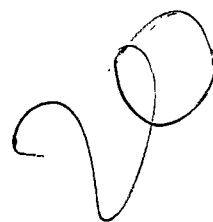
1. Union of India, through
The Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. The Director-General,
Ordnance Factories, Ministry of Defence,
10, Aukland, Calcutta.
3. The General Manager,
Ordnance Factory, Ministry of Defence,
Muradnagar, Distt.Ghaziabad(U.P.) .. Respondents

ORDER(ORAL)

The applicant was appointed as Labourer 'B' in Ordnance Factory Muradnagar on 10.7.1976. At the time of appointment he declared himself as illetrate and did not produce any document/certificate in support of his date of birth. His date of birth was assessed and recorded as 7.7.1940 in his service record as per assessment of the Medical Officer who examined him on 07.07.1976. According to the respondents this entry of his date of birth was accepted by the applicant as he has signed the service record as a token of acceptance. After 10 years he submitted a representation on 21.2.1986 enclosing a copy of school leaving certificate showing his date of birth as 9.8.1949. His case was considered and a view was taken that the date of birth assessed by the Medical Officer in case of illitrate person is final and cannot be amended.

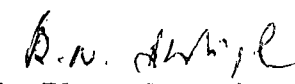
7.27c66F
7.27c66F

..2..



The learned counsel for the applicant explains for delay in filing this case by citing Notification dated 2.6.1987 which required employees seeking correction of their date of birth to apply in prescribed proforma alongwith two witnesses. However, he failed to advance any proof that a formal application in the prescribed manner was submitted by him before the last date i.e. 30.6.1987. He had been representing through letters from time to time. The fact, that in his police verification form, the applicant himself had mentioned his date of birth as 6.4.1939 and his educational qualifications as nil also goes to show that the correction in the date of birth was sought as an after thought.

Under these circumstances, we hold that this Tribunal will not be justified, at this time, to direct the respondents to hold a fresh enquiry in regard to determination of the date of birth of the applicant. This application fails. No costs.


(B.N. Dhoundiyal) 1/11/93
Member(A)

/vv/

011193