

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 890/90
T.A. No.

199

DATE OF DECISION 21.12.1990.

Shri Rameshwar Dutt	Petitioner Applicant
Shri U.K. Sharma	Advocate for the Petitioner(s)
Versus	
Delhi Police through Commr. of Police & Another	Respondent
Smt. Avnish Ahlawat	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

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*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
 Mr. P.K. Kartha, Vice-Chairman)

The applicant, who is working as Sub-Inspector in the Office of the Commissioner of Police, Delhi, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to rectify his date of birth as given in the matriculation certificate and that the date of superannuation should be fixed as per the date of birth given in his matriculation certificate.

2. The facts of the case in brief are as follows.

The applicant passed his matriculation examination in 1949.

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According to the matriculation certificate, his date of birth is 15.8.1933. He has produced a copy of the same as Annexure-A to the application. He came to Delhi in December, 1950 from the erstwhile State of Punjab to meet his relatives and learnt that Delhi Police was recruiting persons in their Service. He appeared before the Recruitment Board on 6.12.1950 and after physical verification, he was asked to report to the Office of the Recruitment Board. The Clerk of the Recruitment Board filled up the required information in the prescribed form for the post of Constable in Delhi Police. His date of birth was filled up by the Clerk as 6.12.1932 without confirming from him in order to cover up 18 years of age of the applicant, which was the minimum requirement for the post of Constable in Delhi Police. He has alleged that the Clerk had deliberately written his approximate age to cover up 18 years under instructions from senior officers since the respondents were in dire need of manpower.

3. In 1956, while the applicant was posted as Head Constable, he was asked by the Deputy Commissioner of Police to submit his matriculation certificate for confirming his actual date of birth. Accordingly, he

submitted his matriculation certificate which showed his actual date of birth as 15.8.1933.

4. In 1956, the then Superintendent of Police (CIO), Crime noticed that there was discrepancy of date of birth of the applicant. His service record showed the date of birth as 6.12.1932, whereas the matriculation certificate showed 15.8.1933. In view of the discrepancy, the applicant was given punishment of censure by the then S.P. (Crime) for giving false declaration regarding date of birth. The applicant has stated that thereafter, he remained under a bona fide belief that his date of birth must have been corrected in his service record. However, he, later on, learnt through his official sources that his date of birth had not been corrected in the service record. He, therefore, requested the respondents to correct his date of birth as per the matriculation certificate. On 16.8.1989, the respondents informed him that his request for change in his date of birth had been considered and rejected.

5. The respondents have stated in their counter-affidavit that at the time of his enlistment, the applicant did not produce his matriculation certificate and he had told that his age was 18 years and 1 day. The Medical Officer who had conducted his examination, had

also indicated that his age was about 18 years from appearance. In view of this, he was recruited in Delhi Police as Constable.

6. The respondents have contended that in case his claim on the basis of his matriculation certificate is allowed, he would have been below 18 years of age at the time of his initial recruitment and he would have been ineligible for such appointment. They have stated that the applicant concealed the facts and gave false statement knowingly which was detected in 1956.

7. We have gone through the records of the case and have considered the rival contentions. Normally, the matriculation certificate is to be treated as authentic. However, in the instant case, if the date of birth given in the service record is to be changed as per the date of birth given in the matriculation certificate, the applicant would not have been eligible for appointment as Constable in the Delhi Police in 1950. He would not have, at that point of time, attained the age of 18 years. The fact that the penalty of censure was imposed on him for having given incorrect particulars regarding his date of birth at the time of his entry into service, will not imply that the respondents had condoned the lapse on his

part and thereby, he would be allowed to derive benefits out of the concealment of facts by him. In case the relief prayed for by him is granted, he will have another 8 months' service, to which he would not otherwise be entitled. This would amount to granting of relaxation for entering the service at an age below 18 years.

8. In the facts and circumstances of the case, we are of the opinion that the applicant is not entitled to the relief sought by him. The application is dismissed at the admission stage itself.

There will be no order as to costs.

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(D.K. ChakFavorty)
Administrative Member
21/12/1990

Partha
21/12/1990

(P.K. Kartha)
Vice-Chairman(Judl.)