

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.A. NO. 1645/1991

DATE OF DECISION 23.10.1991

SHRI TIRLOK SINGH CHANDER

...APPLICANT

VS.

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM

SHRI S.P. MUKERJI, HON'BLE VICE-CHAIRMAN (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI B.S. MAHES

FOR THE RESPONDENTS

...SHRI JUG SINGH

1. Whether reporters of local papers may be allowed to see the Judgement?

2. To be referred to the reporter or not?

JUDGEMENT

(DELIVERED BY SHRI J.P.SHARMA, HON'BLE MEMBER (J))

In this application under Section 19, the applicant has challenged the orders dated 26th June, 1991 and 28th June, 1991 passed by Under Secretary to the Government of India and Fg. Officer, OIC Civil Administration by which the representation of the applicant for correction of date of birth from 10th June, 1933 to 22nd November, 1936 has been rejected.

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2. The applicant claimed the following reliefs :-

- (i) That this Honourable Tribunal may be pleased to direct the respondents to alter the date of birth of the applicant in his service records from 10.6.1933 to 22.11.1936.
- (ii) That this Honourable Tribunal may be further pleased to direct the respondents to allow the applicant to serve upto the date of superannuation as per his correct date of birth as certified by the Chief Registrar, Births and Deaths, Punjab.
- (iii) That this Honourable Tribunal may be pleased to direct the respondents to re-instate the applicant in service and allow him to serve the Government of India upto the actual date of superannuation as certified by the Chief Registrar, Births and Deaths, Punjab.
- (iv) That any other or further relief which this Honourable Tribunal may deem fit and proper under the circumstances of the case, may kindly be awarded to the applicant.
- (v) That the cost of the proceedings may kindly be awarded to the applicant by this Honourable Tribunal.

3. The case in short is that the applicant joined the respondents as L.D.C. in January, 1959 in the Air Headquarters, New Delhi and ultimately was promoted as

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Civil Gazetted Officer and finally retire^d from service on 30th June, 1991 on the basis of the recorded date of birth which is being assailed by the applicant. At the time of appointment, the date of birth of the applicant was recorded 10th June, 1933 in the matriculation certificate issued by the Punjab University (Annexure A-3). This date of birth, according to the applicant, was not correct as per the school certificate, so he moved for its correction to the University of Punjab, but to no effect. The applicant also requested the authorities concerned, but in view of the recorded date of birth in the matriculation certificate, his representation was rejected. The applicant approached the Central Administrative Tribunal, Principal Bench, New Delhi and filed the Original Application W.P.1344/89, which was disposed of by the order dated 3.5.1991 directing the respondents to dispose of the representation dated 22.3.89 on merits. The said representation has been disposed of by the impugned order dt. 26.6.1991 (Annexure-A 1) and communicated to the applicant vide Annexure A-2 by Fg. Officer. The grievance of the applicant is that his request for alteration in the date of birth has been rejected without considering the grounds on which the applicant had sought alteration. Further it is also stated that the respondents have not made any enquiry on the basis of the certificate produced by the

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applicant from the Registrar of Births and Deaths, a photostat copy of which has also been filed in Gurmukhi, the English Translation ^{being} at Annexure A-13. In this birth certificate, the date of birth of the applicant is recorded as 22.11.1936. It is further stated by the applicant that the respondents did not apply their mind and rejected the representation only on the ground that the request has been made after a long time. In view of the above, the applicant claimed the aforesaid reliefs.

4. The respondents contested the application stating that since the date of birth recorded in the matriculation certificate issued by the Punjab University has not been corrected by the issuing authority, so there was no scope to correct the date of birth of the applicant. The representation of the applicant dt. 27.3.1989 has been disposed of by the impugned order after proper application of mind by a reasoned order. The respondents, therefore, prayed that the application is devoid of merits and be dismissed.

5. We have heard the learned counsel of both the parties at length and have gone through the record of the case. The applicant retired as a Gazetted Officer. In fact, there is no

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time limit for correction of date of birth, but at the same time, the applicant has to produce a convincing and cogent evidence in support of the alleged date of birth. The applicant rightly approached the Punjab University for correction of the recorded date of birth in the matriculation certificate. The said matriculation certificate was the basis for recording ^{the} date of birth in service record. It was issued on 15.5.1954. The applicant joined the service as LDC with the respondent in January, 1959, i.e., after 5 years.

The applicant himself stated in para-4.4 that he was informed by his late father that his date of birth recorded in the school certificate was not correct and further it was also disclosed to him by the late father that 3 years more have been shown in the date of birth from the actual date of birth. The applicant also stated that he was not sure about the exact date of birth. The applicant earlier submitted representation in 1963, but the applicant was told to get his date of birth recorded in the matriculation certificate corrected ^{by} ~~from~~ the Punjab University. His request was turned down by the Punjab University by the letter dt. 17.8.1964. He again made a representation to the Vice-Chancellor, Punjab University, but that too suffered the same fate, though the delay in filing the second representation was condoned. It is in the year 1989 that ^{it} ~~it~~ after 14 years and

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just before retirement, the applicant obtained a copy from the Registrar, Births and Deaths, Ludhiana on 14.3.1989 (Annexure A-12). The applicant should have resorted to legal remedy available to him after the Vice-Chancellor of the University of Punjab had rejected his prayer for correction of date of birth in the matriculation certificate. Rather the applicant felt contented by that order and only in 1989 he pursued the matter, firstly by obtaining copy of certificate of ^{the} Registrar of Birth and Death and then filing an application before the Tribunal as ^{stated} ~~said~~ above in the year 1989.

6. The basic issue involved in this case is whether the Tribunal can sit over the decision of the Vice-Chancellor inasmuch as the request of the applicant for correction of date of birth has been rejected on merits and the date of birth recorded in the matriculation certificate has been maintained. That date of birth, as alleged by the applicant, may ~~be~~ ^{be the} not correct date of birth, but that has been held so by the authority who issued the matriculation certificate. This is on the basis of that matriculation certificate that the date of birth of the applicant is recorded in the service record. ^{Considerable} ~~The~~ sanctity is attached to such certificates and the certificate issued in 1989 regarding the

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date of birth by the Registrar of Births and Deaths, Ludhiana cannot have better evidentiary value. Moreover, the respondents have considered in the impugned order in greater detail all the aspects and contentions raised in the representation by the applicant. The Tribunal has to see whether the conclusion drawn by the respondents is based on reasonable a reason finding or not. While going through the impugned order, we find in para-b of Annexure A-1 that the respondents have applied their mind and considered the matter on the basis of evidence given by the applicant. The Tribunal cannot re-appreciate the evidence as the finding arrived at is not at all perverse.

7. We find that the present application is totally devoid of merits and is dismissed leaving the parties to bear their own costs.

Omprakash
(J.P. SHARMA)
MEMBER (J) 24/1/91

S.P. Mukerji
(S.P. MUKERJI)
VICE-CHAIRMAN