

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

(9)

O.A. No.968 OF 2004

New Delhi, this the 19th day of April, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Akshya Kumar Panda  
Son of Shri Adaita Charan Panda  
R/o 457 Laxmibai Nagar,  
New Delhi-110023.

....Applicant

(By Advocate : Shri J. Buther)

Versus

1. Union of India  
Through its Secretary,  
Department of Economic Affairs,  
Ministry of Finance, IES Division,  
North Block,  
New Delhi-110 001.
2. Union of India  
Through its Secretary,  
Ministry of Labour,  
Shram Shakti Bhavan,  
New Delhi-110 001.

.....Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

By virtue of the present Original Application,  
the applicant seeks setting aside of the orders of  
16.2.2004 and 23.4.2004.

2. Sum and substance of the grievance of the  
applicant is that his correct date of birth is  
11.11.1960 while in fact it has been recorded as  
3.6.1960. It is contended that the applicant has been  
able to secure the birth certificate. On the strength  
of the same, he applied for the correction of his date  
of birth and the request has wrongly been rejected.  
The learned counsel for the applicant relied upon the  
following instructions of the Govt. of India :-

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- "(a) a request in this regard is made within five years of his entry into Government service;
- (b) it is clearly established that a genuine bona fide mistake had occurred; and
- (c) the date of birth so altered would not make him ineligible to appear in any school or University or Union Public Service Commission examination in which he had appeared, or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service."

3. After hearing the learned counsel for the applicant, we <sup>had</sup> put it to the learned counsel that whether the date of birth recorded in his record is based on matriculation certificate. The answer forthcoming is that it is on the basis of matriculation certificate. Keeping in view the said fact, it would not be appropriate to consider the claim of the applicant till matriculation certificate is corrected accordingly.

4. It is obvious in the present case, once matriculation certificate itself is basis of date of birth and it is not corrected for the present, it was rightly rejected.

5. Resultantly, as for the present, we dispose of the present Original Application holding that after getting corrected the matriculation certificate, if he has any grievance, he may take recourse in law, if so advised.



(R.K. UPADHYAYA)  
ADMINISTRATIVE MEMBER



(V.S. AGGARWAL)  
CHAIRMAN