

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

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OA 1768/92

16.09.1992



Shri P.L. Sethi

...Applicant

vs.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Sh.Jitendra Sethi

For the Respondents

...Sh.K.S. Dhingra, Senior  
Administrative Officer,  
Departmental  
Representative

1. Whether Reporters of local papers may *yes*  
be allowed to see the Judgement?
2. To be referred to the Reporter or not? *yes*.

JUDGEMENT (ORAL)

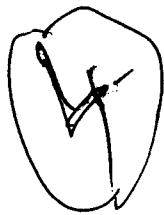
(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant, Shri P.L. Sethi, who has since retired on the basis of the recorded date of birth on 31.3.1988 while working as Civilian Stock Officer, Air Headquarters, New Delhi, filed this application for the grievance of correction of his date of birth on the basis of Punjab University matriculation certificate issued in 1986. The date of birth in the said matriculation certificate is 1.2.1932 and the date of birth recorded in the service record is 30.3.1930.

In this application, the applicant has claimed the relief for the change of his date of birth from 30.3.1930 to 1.2.1932 with all consequential benefits and further compensation to the tune of Rs.20,000 and for the return of middle school and matriculation certificate issued by Punjab

...Z...





University, Lahore in 1947 and Punjab University, Chandigarh in 1986.

The applicant has also earlier filed OA 1903/87 before the Principal Bench, which was decided on 29.3.1988 and the application was dismissed. But while dismissing that application, a direction was issued to the respondents to get a thorough investigation done about the authenticity of the certificate issued by the Registrar, Departmental Examination, Education Department, MWFP, Peshawar from the Pakistan authority. A review petition against the judgement was also filed in which the respondents were directed to complete this investigation within a period of six months. Since the respondents did not take any action nor intimated any result to the applicant on his representation, so he filed an SLP before the Hon'ble Supreme Court which was disposed of by the order dt.28.5.1990 in W.P. No.13659/90 by which the respondents were directed to pass a final order and take immediate steps to have the enquiry completed. The applicant has been waiting since long on the direction of the Hon'ble Supreme Court also by the aforesaid order dt.16.11.1990, the result of the representation has not been communicated to the applicant. So the present application has been filed annexing certain documents which in themselves go to show that the matriculation certificate issued by the University of Punjab, Lahore has been verified by the foreign office by the High Commission of India in Pakistan, evidenced by Annexure J at

p-33 of the application. It appears that the middle school certificate was also verified in the same manner by the foreign office of India in Pakistan. In view of the above, the learned counsel for the applicant stated that the application be admitted and the respondents be suitably directed for the reliefs claimed as mentioned above in the application. Shri K.S. Dhinora, Senior Administrative Officer, departmental representative, duly authorised by the Ministry of Defence for respondent Nos.1 and 2 gave a statement at the Bar that they are considering the matter expeditiously and will take a decision within a period of two months. This is opposed by the learned counsel for the applicant on the ground that the respondents have ~~wiped~~ <sup>whiled</sup> away time as the applicant has to go through various other proceedings by way of review and also even to the Apex Court, yet the respondents have not finally decided the representation. The pretext that the certificate has not been verified by the High Commission of India <sup>in</sup> and Pakistan does not appear to be a correct statement of facts by virtue of Annexures H and J enclosed to the application at p-28 and p-33 respectively. This verification has been done. The respondents should take immediate decision on the representation of the applicant as directed in the review judgement of the OA referred to above. The judgement of the review petition has not been filed, but the relevant portion of the said judgement is quoted at p-4 of the OA in para (vii) which goes to show that the judgement was delivered on

6.6.1988 and the respondents were directed to initiate action within one month to get the certificate verified and in case the original certificate has been found to be genuine by them, then the case should be reviewed. This leaves no scope for the respondents to gain more time. The order in review is dated 6.6.1988 and we have already crossed June of 1992.

In view of the above facts, the present application is disposed of at the admission stage with the direction to the respondents to decide the representation of the applicant regarding the date of birth on the basis of the verified certificates of middle school as well as of matriculation issued by the University of Punjab, Lahore within a period of four weeks from today. After decision of the representation, the original certificates be returned to the applicant and in lieu thereof, the respondents can retain the photostat copies duly certified by them. The judgement is being dictated in the open court in presence of Shri K.S. Dhingra, Senior Administrative Officer, departmental representative/counsel for the contesting respondents and this is sufficient knowledge to them. In case the applicant is aggrieved by such a decision, he can again assail the decision subject to the law of limitation. Costs easy.

*J. P. Sharma*

(J.P. SHARMA) 16.9.92  
MEMBER (J)  
16.09.1992