

14

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.1800 of 1993.
New Delhi, this the 25th day of October, 1994.

Hon'ble Mr B.N.Dhoundiyal, Member(A)

Shri Jagdish Lal Dhamija,
Son of late Shri Aishi Lal Dhamija,
working as Audit Officer in the
Office of Director, Posts & Telecommunication,
Audit Office, Sham Nath Marg, Delhi-54.

... .. Applicant.

(through Mr Gyan Prakash, Advocate).

Vs.

1. Union of India, through
Controller & Auditor General of India,
Bahadur Shah Zafar Marg,
New Delhi-2.
2. Director General of Audit,
Office of the Principal Director of Audit,
Posts & Telecommunication,
3. Director,
Posts & Telecommunication Audit Office,
Shamnath Marg, Delhi-54.

... .. Respondents.
(through Mr Jog Singh, Advocate).

ORDER(Oral)

Hon'ble Mr B.N.Dhoundiyal, Member(A)

The applicant Shri Jagdish Lal Dhamija retired as Audit Officer from the Office of A.G. P & T, Delhi on 31.08.1993. His case is that his date of birth has been wrongly shown as 15.08.1935 when he migrated and joined S.M.Hindu School at Sonapat in Haryana wherefrom, he passed his Matriculation Examination in 1953 and the same date of birth is given in the Matriculation certificate also. After making a lot of efforts over the years, he got his birth Certificate from Makhdoompur, Teh.Kabir-wala Distt.Khaniwal (Pakistan) stating that the date of birth of Jagdish Lal S/O Shri Aishi Lal Dhamija as 14.05.1938. He submitted a representation on 13.12.1988 for correction of his date of birth in the service record

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but this was rejected by the respondents by their letter dated 14.06.1989. The main reason given was that if his date of birth is accepted he will be under-age when he entered the service on 20.7.1954. Another representation was made to the Comptroller & Auditor General of India on 23.12.1992 which was rejected on 30.03.1993. It was pointed out that the first representation was rejected in 1989 and the second representation was made after a gap of three years and the delay had not been explained. The method by which this certificate was obtained was also not clarified. It was again mentioned that if the new Date of Birth was accepted then the applicant would have been under-age at the time of his entry into service in the year 1954.

2. I have gone through the records of the case and heard the learned counsel for the parties. If sufficient proof of date of birth is given then the deficiency regarding the applicant being under-age at the time of entry into service could have been made good by treating his under-age service as "boy service". However, in this case, the cause of action had arisen in the year 1989 when the first representation of the applicant was rejected. His subsequent representation and subsequent replies obtained from the respondents will not extend the period of limitation. Moreover, the type of proof given by the applicant cannot be held to be satisfactory as the registration of birth can only explain that a male child was born in a hospital on a particular date. It is surprising as to how the name of the child has also not been mentioned in the birth register. The easiest course for the applicant would have been to get hold of the records in the District Board of

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School, where he had studied in Pakistan.

3. I, therefore, hold that this is not a fit case for the Tribunal to interfere. However, it will be open to the respondents to approach the District Board School Authorities in Pakistan to ascertain the date of birth recorded in the School Register ^{if} and ⁱⁿ such a verification is available, they ~~may~~ take appropriate decision.

4. The O.A. is disposed of with these observations. There will be no order as to costs.

/sds/

B.N. Dhondiyal
(B.N.Dhondiyal)
Member(A)