

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 20th March 1997.

Coram: Hon'ble Mr. T.L. Verma, Member-J

Original Application no. 444 of 1996.

Jageshwar Prasad Pal,

S/o Mihi Lal Pal,

R/o 199/3 Vijai Nagar,

Kanpur.

..... Applicant.

(By Counsel Shri Arvind Kumar)

Versus

1. Union of India through the Senior Central Manager,
Ordnance Factory, Kanpur.

on 17.2

2. General Manager,

Ordnance Factory, Kanpur.

..... Respondents.

ORDER (ORAL)

By Hon'ble Mr. T.L.

(J)

1. This application Under Section 19 of the Administrative Tribunals Act, 1985 has been filed for issuing a direction to _____ to record 6.6.1942 as the date of birth of the applicant, in his service book and issue further direction not to retire the applicant on the basis of recorded date of birth.

2. The applicant _____ as Semi Skilled Labour on 16.4.1962 in _____ Command Hospital Lucknow. From there he _____ to Ordnance Factory Kanpur in June 19_____. He is still

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working as Skilled II Carpenter. According to the applicant, his date of birth is 6.6.1942 but the same has been ^{Wrongly} recorded as 1.7.1937 in his service book. The discrepancy in his date of birth as recorded in his service book came to his knowledge in early 1994. He thereafter submitted a representation for correction of his date of birth (Annexure A-4). The respondents published retirement notice on 29.6.1994 indicating the names of the persons including the applicant who were due to retire in the year 1997. The applicant again submitted representation dated 21.11.1994 and 25.1.1995 for correcting the date of birth in his service record. The representation has been rejected by order dated 15.3.1995, hence this application for the reliefs mentioned above.

3. Heard the learned counsel for the applicant and perused the record carefully.

4. From the perusal of the impugned order it appears that the respondents had received representations dated 21.11.1994 and 25.1.1995 only from the applicant for correction of his date of birth in his service record. These representations admittedly were filed after retirement notice which was circulated on 29.6.1994. From the representation dated 5.1.1995 (Annexure-A-7) it does not appear that the applicant had submitted any representation for correction of his date of birth in his service record prior to the circulation of the retirement notice. The material on record thus would indicate that the applicant had not agitated his recorded date of birth prior to circulation of retirement of notice dated 29.6.1994.

5. The applicant was appointed as already mentioned above on 16.4.1962. From the impugned order it appears that the date of birth of the applicant on the date of his appointment has been recorded as 1.7.1937. The entries regarding the details of the employee ^{particulars} are presumed to have been recorded ^{in the Service book} on the basis of the declaration made by him. This is done in normal course of official business, ~~and~~ therefore, there will be a presumption of correctness regarding all these entries. The entry so made, therefore, can be altered only when conclusive proof relating to the entry as different from one earlier recorded is produced without unreasonable delay.

6. In view of the above, it has to be seen whether the applicant has taken steps for correction of his recorded date of birth within reasonable time and if so whether the evidence for correction of the date of birth is conclusive and irrefutable. The applicant has filed the copy of the School Leaving Certificate purported to have been issued by the Principal of the School where the applicant claims to have read upto VIII standard. This School Leaving Certificate does not indicate the name of the institution where the applicant claims to have read. It also does not ^{bear} ~~appear~~ the seal of the Principal. Therefore, ~~it~~ ^{the same} cannot be said to be authentic and conclusive in nature so as to justify interference with the recorded date of birth of the applicant.

7. In addition to the above, the request seeking correction of the date of birth has been made

more than thirty ~~three~~ years after the appointment. This unreasonable delay in seeking the correction of his date of birth has not been satisfactory explained.

9. In the facts and circumstances of the case discussed above, we find no merit in this application and the same is dismissed in limine. No order as to costs.

Sherry

Member (J)

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