

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 26TH DAY OF AUGUST, 1998

Original Application No. 586 of 1996

HON. MR. S. K. AGRAWAL, MEMBER (J)

Prabhoo Dayal, S/o late Ram prasad
Working as Wagon Repairs Grade-1
R/o 754/9, Mashiganj, Sipri bazar, Jhansi

.. .. Applicant

(By Adv: Shri Anand Kumar)

Versus

1. Union of India through General manager
Central railway, Mumbai
2. Chief Workshop Manager,
Central Railway, Jhansi.

.. .. Respondents

(By Adv: Shri Prashant Mathur)

O R D E R (ORAL)

HON. MR. S. K. AGRAWAL, MEMBER (J)

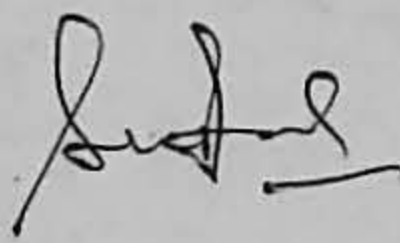
In this application u/s 19 of the A.T. Act prayer has been made to direct the respondents to correct the date of birth of the applicant which has been wrongly shown as 3.6.1938 in place of 12.3.1942.

2. The facts of the case as stated by the applicant are that applicant was appointed on 20.10.1961 as Gangman under PWI, Bharua, sumerpur. Thereafter he was promoted as Khalasi in Carriage and Wagon Department and posted at Agra. The applicant was later on transferred in the workshop at Jhansi in the capacity of Khalasi and thereafter he was promoted as Helper Khalasi. He was further promoted as skilled Artisan/Wagon Repair Grade-II and at present he is working as Skilled Artisan/Wagon repair (T.No.00677243). It is submitted that at the time of his initial appointment the applicant mentioned his date of birth in his service record as 12.3.1942 and in support of the same he submitted school leaving certificate/transfer certificate. The applicant has

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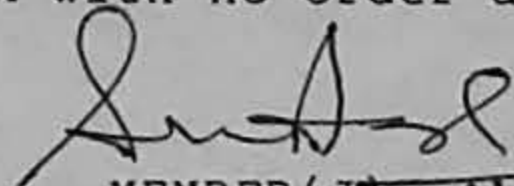
passed class VI from Sarswati Inter college, Sipri bazar, Jhansi during the year 1955-56. It is also submitted that younger brother of applicant Ganesh prasad was about four years younger than the applicant who was studying in the same class and section in the same college in the year 1955-56 whose date of birth is 11.4.1940 as per certificate issued by Sarswati Intercollege, Sipri bazar, Jhansi. It is submitted that as soon as applicant has come to know that he is going to be retired on 30.6.96, he felt surprise and atonce submitted representation dated 18.6.96 to the Chief Workshop Manager, Central Railway Jhansi regarding wrong entry of date of birth in service register but no response from the respondents. Thereafter the applicant took personal interview on 6.5.96 with Senior Personnel Officer Central Railway Jhansi but no effect. Therefore he filed this OA for correction of the date of birth and requested that a direction ~~be~~ be issued to the respondents to correct the date of birth of the applicant as 12.3.1942 in place of 3.6.1938.

 3. Counter affidavit has been filed. In the counter affidavit it has been stated that applicant himself has entered his date of birth as 3.6.1938 in his own handwriting and in token thereof has put his signature on the requisite document. It is also submitted that his educational qualification ~~is~~ ^{is} class IVth. The applicant on attaining the age of superannuation retired on 30.6.96 and his retiral dues were settled. It is also submitted that as per Rule 225 of Railway Establishment Manual Vol-I the applicant failed to submit the representation within the stipulated time and at the fag end of his service career this request of the applicant is not tenable. Therefore in view of the averments made in the counter affidavit the respondents

have requested to dismiss this original application with cost.

4. Heard the learned counsel for the applicant and perused the averments in the pleadings and also perused the whole record. On behalf of respondents the copy of particulars of service of the applicant has been enclosed with the counter and in that exhibit CA-1 the applicant has admitted his date of birth as 3.6.1938 and made his thumb impression below the same in the presence of PWI Bharua, Sumerpur. As per Rule 225 of the Railway Establishment Manual alteration/correction in date of birth of the railway servant is possible within the span of three years only. The applicant has filed this OA at the fag end of his service career, therefore in view of the Apex court judgment in Union of India Vs. Harnam Singh 1993 SCC(L&S) 375 no case for the correction of date of birth of the applicant is made out.

5. I, therefore, dismiss this OA with no order as to costs.


MEMBER (JT) 26/8/98

Dated: 26.08.98

Uv/