

(Open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 5th February, 2001

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)

Original Application No. 195 of 1997

Mohd. Rafiq son of Late
Shri Gulam Rasool, Resident of -
99/233, Ghamanganj, Nala Road,
Kanpur N agar

.....Applicant

Counsel for the applicant : Shri N. Mohan

V E R S U S

1. Union of India, Ministry of Defence,
New Delhi through its Secretary
2. Ordnance Equipment Factory,
through its General Manager,
Phool Bagh, Kanpur

.....Respondents

Counsel for the Respondents: Shri A. Sthalekar

O R D E R

(Open Court)

(Order by Hon'ble Mr. Rafiq Uddin, JM)

The applicant, who is holding the post of Steel Metal Worker in the Ordnance Equipment Factory, Kanpur, has filed this O.A. for quashing the order dated 20.11.1996 passed by the General Manager, Ordnance Equipment Factory, Kanpur. The applicant has also sought direction to be issued to the Respondents not to force the applicant to retire on 30.4.1997. By the said order dated 20.11.96 the application of the applicant for correction of his date of birth from 24.4.1937 to 10.7.1941 has been rejected.

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The applicant claims that on receiving the letter dated 2.9.1996 from the Pension Department showing his date of retirement as 30.4.1997, the applicant approached the General Manager, Ordnance Equipment Factory, Kanpur, (Respondent No.2) and informed that he being illeterate and simply ~~made~~ ^{man made} his signature on his service record maintained by the Department and as such he was not aware about his date of birth recorded in the service record.

As per service record the date of birth of the applicant has been recorded as 24.4.1937 whereas the applicant's correct date of birth is 10.7.1941.

According to the applicant his colleague Shri Dilshad Hussain who was of the same age group and was appointed in the same year, the Respondent No.2 ~~never~~ ^{allowed} his application for correction of his date of birth which ~~was~~ ^{Ru} ~~duly~~ allowed by the Respondents and his date of birth i.e. Dilshad Hussain, was also corrected. But the Respondent has not corrected his date of birth though he moved an application on 18.10.1996 and it was rejected vide the impugned order dated 28.11.1996. The applicant has also submitted an application supported by an Affidavit and along with copy of his School Leaving Certificate in which his date of birth was mentioned as 10.7.1941.

I have heard Shri R.Mohan, Learned Counsel for the applicant and Km.Sadhana Srivastava, Learned Counsel for the respondents.

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It is evident from the perusal of the impugned order that the same has been mainly rejected on the ground that the applicant did not move application for correction of birth within five years of his entry into service as per instructions on the subject. It is also stated that ^{at} the time of his appointment the applicant didnot file any document to show his date of birth as 10.7.1941. Even ~~in~~ the School Leaving Certificate of the applicant has been issued on 13.5.196. Thus in the absence of any documentary evidence in support of his claim the date of retirement of the applicant has been determined as per service record. The Learned Counsel for the Respondents has also submitted that the applicant was well aware about his date of birth mentioned in his service record because the service record/book was duly signed on 16.1.1969 and again on 18.3.1976. The applicant did not protest or made any representation for correction of his date of birth. The claim of the applicant is obviously after thought^t and has no substance.

As regards the case of his colleague Dilshad Hussain he made his representation in the year 1980 which was duly considered and his date of birth as mentioned in the High School Leaving Certificate, 1978, was corrected.

It is thus obvious that the claim of the applicant suffers from laches and delay. The applicant has also not moved his application for correction of his date of

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birth within the prescribed period of limitation within 5 years from the date of entry into service as mentioned in the Departmental Instructions. The O.A. is thus devoid of merit and is dismissed.

There will be no order as to cost.

R. V. Reddy
JM

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