

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
Allahabad Bench
Allahabad

Original Application No.1172 of 2001

Allahabad, this the 14th day of December, 2007.**Hon'ble Mr. Justice Khem Karan, Vice-Chairman**

Chedi Lal,
Son of late Gokul,
Resident of C/o Bharat Bhatnagar,
H.No.2/144, Nawab Ganj,
Kanpur- 208002.

...Applicant

(By Advocate : Shri R.K. Shukla)

Versus

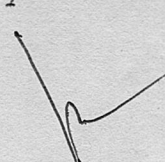
1. The Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi-11.
2. The Addl. DGOF, Ordnance Equipment Factories Group HQrs., G.T. Road, Kanpur.
3. The General Manager, Ordnance Equipment Factory, Kanpur.

...Respondents.

(By Advocate : Shri S. Singh)

ORDER

The applicant has prayed for quashing the letter-dated 30.10.2000 (Annexure-A-1) by which his request for correcting the date of birth was turned down. He is further praying for directing the respondents to correct his date of birth from 24.2.1941 to 10.7.1942, on the basis of Junior High School Certificate of 1961.

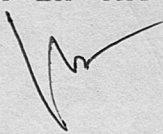
2. Shri R.K. Shukla has informed the Tribunal that the applicant was retired, according to the date of birth relied on by the respondents. He says even if according
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to the date of birth relied on by the applicant, he stands retired by now and in case his O.A. is allowed, he would be benefited only in pensionary benefits. The applicant says that he passed Junior High School in the year 1961 and in that certificate the date of birth was mentioned as 10.7.1942 and he had submitted this certificate together with the application as back in 1963. Copy of the application is (Annexure-A-3). He has also tried to say that his date of birth in the Service Book was subsequently entered, ignoring the said certificate.

3. The respondents have with a case that no such Junior High School Certificate was received in the office, before the entries in the Service Book were made, and so the date of birth was entered on the basis of medical opinion.

4. Learned counsel for the applicant has submitted that earlier Service Books were not to be maintained in respect of such category of the Public Servants. He has also argued that the date of birth as shown on the first page of the Service Book appears to have been inserted afterwards, without any basis. Learned counsel has also tried to say that the applicant had already submitted Junior High School Certificate in the year 1963 and there was no occasion for the authority not to record that date of birth in the Service Book.

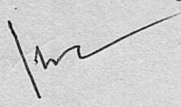
5. Shri R.C. Shukla holding brief of Shri Saumitra Singh has submitted that in matters relating to correction in date of birth, the settled legal position is that such request should not be accepted after lapse of considerable period and at the fag end of service career. He says it is not a case that some date of birth was entered different to one mentioned by the applicant. He says that this date of birth in the Service Book was



mentioned on the basis of Medical opinion. As regards the averment in the OA that the applicant had submitted some application together with the certificate of the Junior High School, it is stated that it was ~~not~~ received in the office of the respondents ~~but was~~^{it} ~~received~~ⁱⁿ in September 2000. According to him there is no good case for correction of the date of birth, as mentioned in the Service Book.

6. After having considered the respective submissions and having gone through the material on record including the entry made in the Service Book produced today before the Tribunal, I am of the view that the applicant has no good case for correction or alteration in the date of birth as mentioned in the Service Record. The first reason is that the entries about the date of birth appearing on the first leaf of the Service Book, are attested by the applicant himself by putting his thumb impression and signatures. He has not been able to show as to how he put his thumb impression and signature, if the date of birth was wrongly mentioned. Secondly, the request for such a correction in the date of birth came at the fag, end after more than three decades. Thirdly, I find no good reason to say that the date of birth mentioned on the first leaf of Service Book has been inserted. Fourthly, it cannot be stated on the basis of the omission about the date of birth in the Service Card that entry about the date of birth in the Service Book is without any basis. The respondents have stated that the date of birth was entered on the basis of the Certificate issued by the medical expert.

7. I need not enter into discussions as to whether the relevant time when the applicant entered in the Service, the Service Book were maintained or not. What relevant is that the Service Book was opened in 1975 and in that Service Book the date of birth of the applicant was



mentioned as 24.2.1941. There is no sufficient material on record to say that it was in-correctly mentioned in the record or the date of birth mentioned was contrary to the date of birth mentioned in the record submitted by the applicant. So the question for correction does not arise. The OA is accordingly dismissed with no order as to costs. The Service Book is returned to Shri R.C. Shukla.

(Signature)
14.12.07

Vice-Chairman

RKM/