

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO 152 OF 2005

ALLAHABAD THIS THE 10TH DAY OF JANUARY 2008.

Hon'ble Mr. K.S Menon, Member-A

Ghurhu Ram son of Shri Dhanni Ram,
Resident of Village & post Mardah, District Gazipur.

.....Applicant

(By Advocate: Shri O.P. Singh)

Versus.

1. Union of India its Secretary, Ministry of Communication and Telegraph, New Delhi.
2. Up Mandal Nirishak Dakghar, Kendriya Gazipur.
3. Superintendent of Post Office, District Gazipur.
4. Up Dakghar Mardah, District Gazipur.

.....Respondents

(By Advocate: Shri Saumitra Singh)

O R D E R

This O.A. has been filed seeking to quash the impugned order dated 27.1.2005 passed by respondent NO.2 by which the applicant was retired from service on the ground that his date of birth was recorded in the particulars furnished by the applicant as 1.2.1940. When the order of retirement was passed vide impugned order dated 27.1.2005, applicant produced school leaving certificate dated 28.1.2005, in which his date of birth has been recorded as 1.9.1945, so the applicant, therefore, states on the basis of this date of birth, he has been incorrectly retired by the respondents and therefore, seeks direction of this Court to quash the

said impugned order dated 27.1.2005. He has further prayed that direction be issued to respondent NO.2 to continue him in the said post till his actual date of retirement on the basis of his date of birth as 1.9.1945.

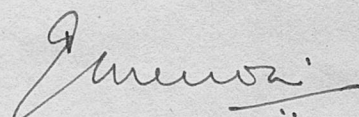
2. Shri Saumitra Singh, learned counsel for the respondents submits that the descriptive particulars submitted by the applicant at the time of appointment in Government service clearly indicated the date of birth as 1.2.1940. He further submits that in the same descriptive particulars, the educational qualification has been indicated as Nil and, therefore, he cannot submit school leaving certificate subsequently in respect of his claim. It appears that applicant throughout his career has not objected to the date of birth shown in the record as 1.2.1940 and has chosen to do so by producing said school leaving certificate only when he was retired from service by the respondents. Learned counsel for the respondents further submitted that School Leaving Certificate was produced for the first time on 28.1.2005 i.e. few days before he was retired from service.

3. I have heard counsel for the parties and perused the pleadings on record.

4. Admittedly the applicant had filled his descriptive particulars when he joined service in which his date of birth ^{was} ~~has~~ shown as 1.2.1940. In the same documents, educational qualification was shown as nil though it is not very clear from the Annexure placed on record. It is also a fact that during his career, the applicant did not object to his date of birth, which as recorded in the service book and he chose to do so only after he was retired from service and then filed the O.A. on 10.2.2005. There are Supreme Court rulings and other settled laws, which clearly indicate that a Government employee is at liberty to apply to the authorities to

change the date of birth, so recorded in the documents at the time of joining the service, within a period of 5 years only. Thereafter irrespective of merits of the case or genuineness of records, which he may have procured subsequently, he loses the right to seek a change in the date of birth so recorded. In this case, the applicant has chosen to contest the date of birth, so recorded in the service book after a period of more than 25 years i.e. at the time of retirement. I am of the opinion there is no ground for the Court to interfere with the order of retirement passed by the respondents on 27.1.2005. The O.A. is without merits and is dismissed accordingly.

No costs.


Member-A

Manish/-