

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00121/2021**

**DATED THIS THE 09<sup>th</sup> DAY OF APRIL, 2021**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

(On video conference from Central Administrative Tribunal, Chandigarh Bench at Chandigarh)

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

D.Shankar Narayanan  
S/o K.N.Damodaran  
Aged about 57 years  
Retd. Chief Office Supdt.  
DRM/O/Bangalore Division  
South Western Railway  
Bengaluru-560 023.  
Residing at No.26  
5<sup>th</sup> Street, Bank Avenue  
Babusapalya, Horamavu  
Kalyannagar Post  
Bangalore.

....Applicant

(By Advocate Shri B.S.Venkatesh Kumar - through video conference)

Vs.

1. Union of India rep. by  
The General Manager  
Headquarters Office  
South Western Railway  
Gadag Road, Hubli-580 020.

2. The Senior Divisional Personnel Officer/  
Disciplinary Authority  
South Western Railway  
Personnel Department  
Bangalore-560 023.

.....Respondents

**ORDER (ORAL)**

**PER: RAKESH KUMAR GUPTA, MEMBER (A)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking direction from the Tribunal to call for his service records and to direct the respondents to alter his date of birth as 17.09.1963 instead of 17.09.1960 with further directions to the respondents to extend all the consequential service benefits and to pass such other orders as this Tribunal may deem fit and proper.

2. The applicant in his pleadings has averred that he had joined the Ministerial cadre of Junior Clerk in the year 1982. At the time of his joining the Railway service, he has produced his 10<sup>th</sup> Standard mark statement wherein his date of birth was mentioned as 17.09.1960. As such his date of superannuation was 30.09.2020. However, when he sought to present his settlement papers in 2020, the applicant came to understand that his sister who is elder by three years is also due to retire on 30.04.2020 and as such he endeavored for obtaining records related to his primary

and High school education. Subsequently, he submitted a request for correction of his date of birth on 13.09.2020.

3. A note was prepared by the Senior Personnel Officer establishing the genuineness in the applicant's claim for correction of his date of birth as 17.09.1963 and as such the respondents ought to have effected alteration of applicant's date of birth as 17.09.1963 and should have continued him in the Railway service beyond 30.09.2020. However, the respondents issued a charge sheet dated 22.09.2020 for imposition of minor penalty and on taking the explanation dated 25.09.2020, imposed the penalty of censure vide order dated 28.09.2020(Annexure-A3) on the ground that the applicant had attached a copy of forged documents such as fake birth certificate dated 27.11.2017 issued by Medical Officer cum Birth & Death Sub-Register, Vani Vilas Hospital, Bangalore. The applicant has also retired from service on 30.09.2020.

4. Heard learned counsel for the applicant.

5. As per the Rules notified by the Department of Personnel & Training:

*“alteration in the date of birth can be made by Government servant only within five years of his entry into Government service subject to the following conditions.*

- a. A request in this regard is made within five years of his entry into Government service;*
- b. It is clearly established that a genuine bona fide mistake has occurred; and*

- c. *The date of birth so altered would not make him ineligible to appear in any school or University or Union Public Service Commission examination in which he had appeared, or for an entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.*

6. The Hon'ble Supreme Court in *Civil Appeal No.502 of 1993 (Union of India Vs Harnam Singh)* on 19.02.1993, had inter-alia observed that “*inordinate and unexplained delay or laches on the part of the respondent to seek the necessary correction would in any case have justified the refusal of relief to him. Even if the respondent had sought correction on the date of birth within five years after 1979, the earlier delay would not have non-suited him but he did not seek correction of the date of birth during the period of five years after the incorporation of note 5 to Fundamental Rule 56 in 1979 either. His inaction for all this period of about thirty five years from the date of joining service, therefore precludes him from showing that the entry of his date of birth in service record was not correct*”.

7. The request made by the applicant, therefore, is in complete violation of the DoP&T Rules on the subject, as well as the observations made by the Hon'ble Supreme Court in the matter. The OA therefore, deserves to be dismissed *in limine*.

8. Accordingly, the OA is dismissed *in limine*. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

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