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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD.

I.A. No. 579/86  
(O.S. No. 687/85)

Lorik Prasad

Applicant.

vs.

Union of India & others

Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A.B. Gorthi, Adm. Member.

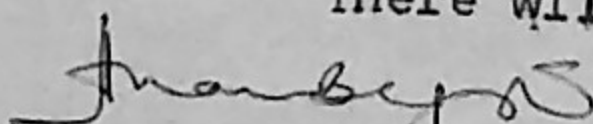
(Hon. Mr. Justice U.C.S, V.C.)

The applicant who was retired as Class IV Fitter in the Railway has filed the suit in the Court of Munsif some 2 years after retirement for declaration that his date of birth was wrongly recorded and he has been retired much before attaining the age of superannuation. The applicant entered the service on 15.6.1954 and according to him he being illiterate person he gave out his age as 20 years which was recorded in the papers, but during all the years he was not told that his date of birth was recorded as 11.6.1924 and he learnt of it only when he was told of his date of superannuation and that he is being retired. The applicant admittedly has started getting pension and has drawn all the pensionary benefits including Provident Fund, Gratuity, Group Insurance etc. According to the Respondents although applicant's records are missing but all the clues indicate that his date of birth in the service record was entered as 11.6.1924. He was also medically examined in the year 1969 as per extant rules and then his age was mentioned as 45 years and somehow in the seniority list his date of birth was 7.2.34 and it was

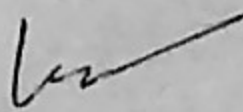
case of error and the applicant is trying to get benefit. The applicant approached the Court of law some 2 years after retirement. The burden of proof obviously was on him to prove that he was born on the particular date and that his date of birth while in service was given as 20 years and not 30 years but the applicant did not tender any affidavit. The applicant has made representation but no attention was paid by the respondents. Obviously after the retirement it appears that the applicant made representation on 12.8.1983 (A copy of the same has been produced before us.)

In this case we do not find any merit as the applicant has not submitted the same by tendering any such evidence. However, as the applicant had approached the departmental authority and they have not given any reply, it is still open for the departmental authority to consider the matter as such. We allow this application with the direction that the Respondents may consider the application dated 12.8.1983 and in case they are satisfied that his claim stands established they may pass necessary orders.

There will be no order as to costs.

  
(A.B. GORTHI)  
MEMBER(A)

Allahabad Dated 17.5.91.

  
(U.C. Srivastava)  
V.C.