

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A.No.1029 of 1986

(W.P. No.599 of 1983)

Sri Amanatullah Petitioner

Versus

Union of India & Others Respondents

Hon.S.Zaheer Hasan, V.C.
Hon. Ajay Johri, A.M.

(By Hon.S.Zaheer Hasan, V.C.)

The petitioner Amanatullah filed this Writ Petition before the Hon'ble High Court of Judicature at Allahabad which has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985. The petitioner Amanatullah son of Sri Abdul Rahman, Resident of Mohalla Sarai Rehman, Aligarh was appointed as Lower Division Clerk in Govt. of India Press, Aligarh on 3.10.1945. According to the applicant his date of birth was wrongly recorded in his service record as 8.7.1924 and in fact he was born on 8.7.1928 which stands corroborated by the entries in his High School Certificate. He passed the High School in 1944 in Third Division with Roll No. 130 and Enrolment No.B488. According to the applicant the same date of birth is written in character certificate which alongwith High School Certificate were filed at the time of appointment but due to some inadvertence the date of birth was wrongly recorded as 8.7.1924.

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The applicant made a representation in this connection and by the letter dated 4.7.1981 he was informed that his date of birth was corrected on the basis of High School Certificate. Subsequently on 25.7.1981 the aforesaid order was cancelled and ultimately he was made to retire on the basis of entry made in his service record vide order dated 10.1.1983 stating that the applicant should ~~now~~ be deemed to have retired on 31.7.1982. The simple point at issue is as to whether the applicant was born on 8.7.1924 or 8.7.1928.

2. Both the parties have led evidence and we have heard the counsel for the parties at length. So we are disposing of the disputed point finally.

3. The applicant's contention that he filed the copy of the High School Certificate is clearly false and has been denied by the respondents. Had he done the same, there was no question of ignoring it. Annexure-I is the declaration given by the applicant at the time of the entry in service. In this form it is clearly mentioned that he was born on 8.7.1924. Alongwith the form he filed Annexure-2 which is a Character Certificate dated 29.6.1944 from the Head Master of the M.U.City, High School, Aligarh stating that the applicant has passed High School in 1944. At the bottom of the certificate it has been stated that his

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date of birth is 8.7.1924. Annexure-4 bears the signature of the applicant in which he has stated that his date of birth is 8.7.1924 and it is dated 13.2.1957. In 1972 the applicant signed Annexure-5 in which the same date of birth was mentioned. In the application for allotment the applicant gave his date of birth as 8.7.1924 in the year 1968. In this way at the time of entry in service and on various occasions ~~and~~ in subsequent years the applicant asserted his date of birth as 8.7.1924 and the same was entered in his service record. According to the High School Certificate he was born on 8.7.1928. At the time of his entry in service the applicant submitted a Character Certificate dated 29.1.1984 in which at the fag end the following line has been added :-

" Date of birth :- 8.7.1928 "

The entire certificate is on printed form in which necessary columns have been filled. It simply states that the applicant has passed High School examination in 1944 and he bears a good moral character. At the end of the certificate it is written by ink that the date of birth is 8.7.1924. It is a matter of common experience that in Character Certificate date of birth is not normally written. The way in which it is written in Annexure-2 kicks up all the suspicion. A question arises as

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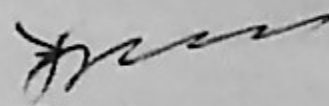
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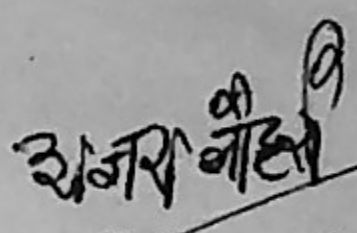
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to why this manipulation was done. The applicant was appointed on 30.10.1945 as Lower Division Clerk. If he was born on 8.7.1928 according to the High School Certificate he was below 18 years of age and as such he could not be appointed as Lower Division Clerk in the year 1945. There is no evidence that any age relaxation was done. So by making necessary manipulation in Character Certificate(Annexure-2) and by showing that he was born on 8.7.1924 the applicant gained entry.

From the evidence and the attending circumstances it can be safely inferred that the manipulation was done in the Character Certificate(Annexure-2) and by giving a false age the applicant gained entry in service. Now he cannot be permitted to take double advantage at the fag end of his career. He was appointed in 1945. He made a representation for correction of his date of birth in 1979 i.e. about 3 years before his retirement. He has nowhere stated as to how he came to know that the entry in his service record regarding his date of birth was wrong. Even if the entry in the High School Certificate is correct the situation does not improve in favour of the applicant. He gave his age as 8.7.1924 and secured his appointment. If he had asserted that he was born in 1928 as entered

in the High School Certificate he could not have secured the job being below 18 years of age. So having taken advantage of age at the time of entry in service he cannot be permitted to take double advantage. In view of the above, the petition is dismissed with costs on parties.


Vice Chairman


~~Member (A)~~

Dated the 27 Sept., 1987

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