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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1237 of 1987

(W.P. No.3395 of 1983)

Rai Peer Mohd. Alias Parichhan Rai.... 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.)

Writ Petition No.3395 of 1983 pending in the Hon'ble High Court at Allahabad has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

29 The petitioner was initially appointed in Ordnance Factory Katni in the year 1942 and thereafter he was re-appointed in Metal and Steel Factory, Ishapore, Calcutta in the year 1949. In 1980 he came to know that his date of birth was wrongly recorded as 4.4.1921 so on 9.2.1980 he moved an application for correction of his date of birth on the basis of School leaving Certificate in which it is mentioned as 28.2.1925. On 5.4.1980 he was informed that his date of birth has been corrected from 4.4.1921 which was written in service book to 5.3.1923 because in the Katni Service Book (his first appointment) 5.3.1923 was entered as his

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date of birth. The petitioner's contention is that in Service Book 4.4.1921 was wrongly written and it should be corrected as 28.2.1925 on the basis of School Leaving Certificate.

3. The petitioner joined at Katni as Labour in January, 1942 as stated by the learned counsel for the petitioner. If he was born on 28.2.1925 he was less than 17 years of age in January, 1942 when he joined at Katni. In case he was born on 5.3.1923 he was major in January, 1942. Originally his date of birth is written as 4.4.1921. When he made representation, the Katni records were checked and it was found that 5.3.1923 was entered there so on that basis his date of birth was corrected from 4.4.1921 to 5.3.1923. The applicant agitated this matter for the first time in 1980 when he was due to retire in 1983. He has not stated as to how he came to know that his date of birth was wrongly recorded. In 1949 when he got the second appointment he should have shown his School Leaving Certificate. This certificate shows that he studied in the school from 1933 to 1936 and ^{it} ~~this certificate~~ was issued as late as on 5.3.1980. Under the circumstances of the case it would not be safe to rely upon this School Leaving Certificate regarding the entry of date of birth. The authorities were fair in

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correcting the date of birth from 4.4.1921 to 5.3.1923 on the basis of entry made in the Service Book of Katni where the applicant got his first appointment. We find no illegality etc. in the impugned order and he was rightly retired on 31.3.1983. So the petition is dismissed. Parties to bear their own costs.

~~SPY SIC~~

Member (A)

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Vice Chairman

Dated the 24 March, 1988

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