

## CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Transfer Application No. 1246 of 1987

(Writ petition no. 5177/83)

Sukumar Paul

... Petitioner

Vs.

Union of India &amp; others

... Opp. Parties

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

(Delivered by Hon'ble Mr. DK Agrawal, JM)

Writ petition no. 5177 of 1983 filed before the High Court at Allahabad on transfer to the Tribunal under Section 29 of the Administrative Tribunals Act, 1985, was registered as Transfer Application No. 1246 of 1987, as indicated above.

2. Briefly, the facts are that Sukumar Paul (hereinafter referred to as the petitioner) indicated his date of birth as 15-4-1925 at the time of entering into service. An application was made by the petitioner <sup>foregoing in service</sup> ~~on 8-10-1945~~ <sup>also</sup>, wherein he had indicated his date of birth as 15-4-1925. Accordingly the same date of birth was recorded in the service register. ~~0027-67942~~. Later on the petitioner obtained a copy of the High School certificate as late as on 29-6-1982 i.e. after 39 years of entry into the service, wherein the date of birth was shown as 15-12-1928. Thus, the applicant desires that his date of birth be deemed as 15-12-1928 for the purposes of superannuation. A representation was made by the petitioner which has been rejected vide an order dated 23-4-1983. The petitioner has already retired on 30-4-1983.

3. We have heard the learned counsel for the parties and perused the records.

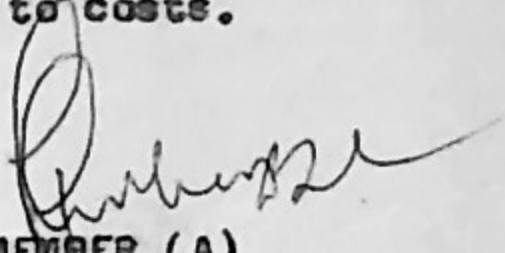
4. We have seen the application dated 8-10-1945 which purports to be in the hand-writing of the petitioner himself wherein he had himself recorded his date of birth as 15-4-1925. The

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service register also contains the entry of date of birth of the petitioner as 15-4-1925 which has duly been signed by the petitioner. We consider that these two documents are more or less proving that the date of birth of the petitioner was 15-4-1925 otherwise he could not have kept himself unconcerned for a considerable long time. It is also relevant to mention here that according to date of birth now being stated by the petitioner i.e. 15-12-1928, he was only 15 years of age at the time of his appointment in service on 6-3-1944. If so, he was ineligible for entering into service. The only inference is that he concealed his date of birth. Thus, the petitioner wants to draw double advantage out of his own doing. It is also relevant to note that the seniority list circulated in the year 1969, wherein the date of birth of the petitioner was shown as 15-4-1925, the petitioner affixed his signature thereon, but did not make any claim for change of date of birth. The matriculation certificate is certainly an authentic document. However, the authenticity has been destroyed by the applicant by his own conduct. We are of the opinion that without going into the merits of the matriculation certificate, we can safely conclude that the date of birth mentioned in the matriculation certificate cannot now be taken to undo the own action of the applicant i.e. the date of birth already recorded in the service record cannot be allowed to be changed after retirement of the applicant.

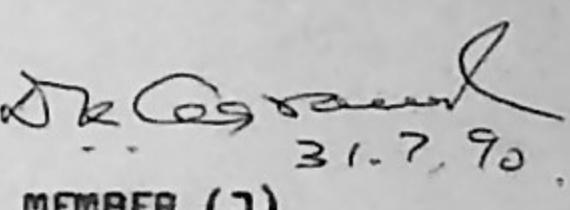
5. In the result the petition is dismissed without any order as to costs.

  
MEMBER (A)

Dated : Allahabad

✓ July  
August 31, 1990

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MEMBER (J)