



CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration No. 201 of 1987

Kundan Lal Bajpai Applicant

Versus

Union of India & Others. ... Respondents

Hon. Justice K.S. Puttaswamy, V.C.
Hon. L.H.A. Rego, A.M.

(By Hon. Justice K.S. Puttaswamy, VC)

In this application made under Section 19 of the Administrative Tribunals Act XIII of 1985 the applicant has sought for a direction to the respondents to correct his Date of Birth from 9.7.27 to 27.7.37.

2. The applicant initially joined service as a Mailman sometime in 1959 in the Postal Department of the Govt. of India. When he so joined service, the applicant gave his date of birth as 9.7.27 which was accepted by the competent authority. Ever since he joined service in 1959 and earned promotions in due course the applicant has not disputed that date of birth and continued to serve with that date of birth only. But one year before the applicant was due to retire on his accepted date of birth, he moved respondent No.3 for correcting his date of birth from 9.7.27 to 27.7.37. On 9.6.84 respondent No.3 rejected the same. Aggrieved by the said order,

the applicant is stated to have an appeal before respondent No.2 who is stated to have not disposed of the same till his retirement thereafter. On 12.2.1987 the applicant has moved this application for appropriate directions.

3. Shri I.B.Singh, learned counsel for the applicant contends that on the unimpeachable documentary evidence produced by his client i.e. School Leaving Certificate, the authorities were bound to correct his date of birth as 27.7.37 and regulate his conditions of service on that basis.

4. We have earlier noticed that the applicant who joined service as early as 1959 had given his date of birth as 9.7.27 which had been accepted by the authorities. We find that the applicant who is not an illiterate but is an educated person upto 9th standard, had accepted the date of birth given by him and had continued to serve ever since he joined service on that basis for well over 25 years. On an examination of the fact situation the Superintendent had declined to correct the date of birth with which he later claimed. We are of the view that the Superintendent was justified in rejecting the highly belated application made by the applicant. When the Superintendent had rejected

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the belated application made by the applicant, the fact that respondent No.2 has not disposed of the representation made by him which is not a statutory remedy, we cannot interfere with the action of the respondent No.2, or the action of respondent No.3. On any view we find no grounds to interfere with the action of the authorities to entertain ^{& this intervention is} We, therefore, reject this application at the admission stage without notice to the respondents.

Ms. Anand
 V.C. *12/3/87*

[Signature]
 A.M. *19.3.87*

Dated the 19th March, 1987

RKM