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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

....

Registration T.A. NO. 1556 Of 1987  
(W.P. 5662 of 1984)

Kesar Singh ... Petitioner  
versus  
Union of India and ors... Respondents

Hon' D.K. Agrawal, J.M.

Hon' K. Obayya, A.M.

(By Hon' D.K. Agrawal, J.M.)

In this writ petition received on transfer from High Court of Judicature at Allahabad, under section 29 of the Administrative Tribunals' Act, 1985, the petitioner seeks alteration in date of birth as recorded in Service Book. The date of birth recorded in the service book is 18-1-1927, according to which the petitioner has already retired on 31-~~1~~-1985. The petitioner alleges that his actual date of birth was 13-8-1930. A representation to that effect for alteration in date of birth was made by the petitioner for the first time on 20-3-1980, which was rejected by the competent authority by an order dated 14-6-1984, Annexure-5 to the writ petition. Thereafter the present writ petition was filed.

2. The respondents have pleaded that the petitioner was a literate person and, therefore, he is bound by his own declaration about the date of birth at the time of entry to service. It has also been pleaded that the petition is barred by

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principle of delay and laches and that an entry in the service record about the date of birth confers an element of inviolability. It has been further pleaded that in the attestation form dated 24-2-1965, the petitioner disclosed to have received education in Agarwal High School, Aish Bagh, Lucknow from 1943 to 1946, and the school leaving certificate produced by the petitioner for the purpose of alteration in date of birth from Industrial High School, Lucknow, prima facie, is unbelievable.

3. We have heard the learned counsel of the parties and perused the record. The legal position is that if a person seeks alteration in date of birth at the ~~end~~<sup>beginning</sup> of his service career, the same is ordinarily not acceded to. In the instant case, the applicant entered in the service on 29-1-1952. The request for change of date of birth was made for the first time on 20-3-1980. In the case of Dharampal vs. Union of India and ors. 1989 A.T.L.T.(1) (CAT) p.312, Delhi Bench of the Tribunal dismissed the petition as barred under doctrine of laches and delay, despite the fact that the change in date of birth was sought on the basis of Matriculation Certificate. The pre-dominant reason was that a person who joined service in 1950 and was to retire in 1987, wanted alteration in the date of birth at the ~~end~~<sup>beginning</sup> of his service career. Jabalpur Bench of the Tribunal in the case Ghasite Lal vs Union of India and ors. 1988 (6) (ATC) p.224, rejected the claim for changing of date of birth on the ground that when date of birth was recorded on an employee's own declaration and accepted by him, he is estopped from changing it. The Calcutta Bench of the Tribunal, in the case of Saryu Prasad vs. Union of India and ors 1989(9) ATC p.93

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rejected the claim for change in date of birth on the ground that the change was desired at the ~~end~~<sup>beginning</sup> of service career after receiving notice of retirement. In the case of O.S. Bajpayee vs. Union of India, 1989(9) ATC 540, Delhi Bench of the Tribunal, laid-down the rule that an entry in the service book about the date of birth renders an element of inviolability to it. Thus, taking into account, the decisions and the facts of the present case, we are of the opinion that change in date of birth in the instant case has been rightly refused.

4. The learned counsel for the petitioner brought it to our notice that the competent authority had ~~effected~~<sup>been</sup> by an order, the change in date of birth, in the case of one Shaukat Ali who was similarly placed. We make it clear that such a plea has only been urged in paras 28 and 29 of the rejoinder affidavit. This pleading was not contained in the petition. Therefore, the respondents had no occasion to meet the same. Secondly, there is no doubt that jurisdiction is vested in the competent authority to order alteration in date of birth. Therefore, if the jurisdiction <sup>has</sup> ~~have~~ been exercised in a particular case, it does not mean that it necessarily attracts the provision of Article 14 of the Constitution of India. The discretion is always comparable in the case of two similarly placed persons having same set of facts. The facts of the case of Shaukat Ali are not known. Therefore, in our opinion, provisions of Article 14 of the Constitution are not attracted.

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5. In the result, this writ petition is liable to be dismissed. It is accordingly dismissed without any order as to costs.

*[Signature]*  
MEMBER (A)

*[Signature]*  
MEMBER (J)

(sns)

November 16<sup>th</sup>, 1990

Allahabad.