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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO.240 of 1987.

MUBARAD ALI SIDDIQUI

Applicant.

Vs.

Union of India and others

Respondents.

Hon'ble S.Zaheer Hasan-V.C.

(Delivered by Hon'ble S.Zaheer Hasan, VC)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985. In this claim petition, the applicant has prayed for correction of date of birth recorded in his service and its consequential benefit.

2. In the year 1948 in railway department, there was a rule that boys between 15 to 18 years of age could be appointed as substitute khalasi (Boy Service). The applicant was below 18 years of age when he was appointed on 7.2.48 as Rake Khalasi (Boy Service) on a monthly pay of Rs.28/- and in his service record 28.3.1929 is entered as his date of birth. He is claiming his date of birth as 4.3.32. He applied for correction of his date of birth and his representation was rejected on 7.11.1986. So he has moved this tribunal for correction of his date of birth.

3. In para 8 of the written statement, it is admitted that the applicant was appointed as Rake Khalasi on Rs.28/- per month as Boy Service on 7.2.1948. If he was born on 28.3.1929, according to the entry in service book, he was above 18 years of age on the date of his appointment and therefore, he could not be appointed as boy khalasi. Of course, he could be appointed as Khalasi, if he was above 18 years of age. In the school leaving certificate, his date of birth is shown as

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4.3.1932. He studied upto 5th class in that school during 1941-45. In 1954, he passed High School and in the High School certificate also 4.3.1932 is written. When he passed High School he was promoted and no objection was raised at that time. In annexure-6 to the petition, it was conceded that the applicant was employed as boy service, for which the age limit was between 15 to 18 years and it could not be explained as to how the date of birth was recorded as 28.3.1929 as he would have been over 18 years 10 months, on the date of his appointment, whereas per prescribed limit he should have been under 18 years. In annexure-7 to the petition, Senior Divisional Personnel Officer, N. Railway, Lucknow has stated that the

applicant was above the required age on the date of appointment so it appears to be an error. According to him, there was a strong case regarding correction of date of birth, so he wrote to the authority concerned for necessary approval. The Welfare Inspector verified the school records of HALIM MUSLIM INTER COLLEGE KANPUR from which the transfer certificate (T.C.) was issued. Letter dated 30.8.1986 was also received from the Principal HALIM MUSLIM INTER COLLEGE KANPUR which was brought to the notice of the authority concerned. In view of the above I hold that the applicant has proved by cogent evidence that he was born on 4.3.1932 and his date of birth was wrongly recorded as 28.3.1929. There is no question of limitation in such cases.

The application is allowed and the defendants are directed to correct the date of birth from 28.3.1929 to 4.3.1932. Consequent upon the aforesaid correction, the applicant will be entitled to all the benefits ^{available} under the rules as claimed in the petition. Parties to bear their own costs.

26.8.87
Vice Chairman

अमर जौरी
Member(A)

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