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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.1134 of 1987

Rameshwar Prasad Applicant

Versus

The Director Postal Services,
Lucknow Region & Others.... Respondents.

Hon.S.Zaheer Hasan, V.C.

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(By Hon.S.Zaheer Hasan, V.C)

This is an application under Section 19
of the Administrative Tribunals Act XIII of 1985.

2. The applicant Rameshwar Prasad was appointed on the post of group 'D' on 6.8.1950 and he worked on that post from time to time. He got regular appointment in group 'D' on 12.4.1967. Since the applicant was illiterate so he could not produce any school certificate to prove his age but he did produce his horoscope at that time. According to horoscope he was born on 1.7.32. In 1968 his Service Book was prepared on the basis of the horoscope in which the date of birth was written as 1.7.32. In September, 1986 he was told that his pension papers were being prepared and he would retire on 30.11.87 as his date of birth was written as 15.11.1927. So he made representations in that connection without any result. The Kutumb Register and the horoscope

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supports the applicant's claim that his date of birth was correctly written as 1.7.1932 and after scoring the same it was wrongly written as 15.11.27.

3. The defence is that the applicant was originally appointed on 6.8.1950 and he was given regular appointment on 12.4.1967. On 3.1.1968 the first page of his Service Book was prepared. By chance no Service Book was available except one in which somebody's date of birth was written as 1.7.32. On 6.4.1968 the applicant produced the proof of his age and on that basis 1.7.32 was scored out and 15.11.27 was written.

4. The original Service Book was produced before us. On the first page of Service Book the date of birth is written as 1.7.32. This entry was made on 3.1.1968. On 6.4.68 the entry of 1.7.32 was scored out and 15.11.27 was written as date of birth. According to the defence version no Service Book was available except one in which 1.7.32 was written as date of birth but remaining 11 columns in that Service Book were blank. So on 3.1.1968 the remaining 11 blank columns were filled as regards the applicant and no date of birth was entered. On 6.4.68 the applicant produced proof of his age and thereafter 1.7.32 was scored out and 15.11.27 was written. It does not stand to reason that only date of birth was written in that Service Book and no name of the person was

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mentioned in column 1. In case the applicant has not supplied his date of birth and the Service Book related to some other person in which 1.7.32 was written the date of birth should have been scored out on 3.1.68 when his Service Book was prepared. There was no sense in scoring the same on 6.4.68 and thereafter writing the date of birth as 15.11.27. So the defence version cannot pass ^{the} test of credibility. In the normal course the date of birth 1.7.32 should have been scored out with a note that the date of birth of the applicant will be written subsequently when he furnishes the proof. There was no sense in leaving the date of birth already written intact and in filling the remaining 11 columns relating to the applicant. So the defence version does not stand to reason. Originally date of birth was in Service Book written as 1.7.32. The Kutumb Register and the Horoscope corroborate the date of birth originally written in the Service Book. There was hardly any justification to make this correction behind the back of the applicant. No signature of the applicant was obtained when the date of birth was scored out and fresh date of birth was written. So it has been established that the applicant's date of birth was correctly written as 1.7.32 in his Service Book and it was wrongly scored out and there was no justification in writing 15.11.27. So the application is allowed with costs on parties. The applicant will be treated to be in service and he would retire in due course taking his date of birth as 1.7.32.

Dated the 4 ^{Minister} Feb., 1988
RKM

4-2-88
Vice Chairman