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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 16th day of January 1996.

Original Application no. 396 of 1988.

Hon'ble Mr. Justice B.C. Saksena, Vice-Chairman
Hon'ble Mr. S. Das Gupta, Administrative Member.

Om Prakash Jagpal, S/o Shri Ram Lok Jagpal, Planning and Progress office, ordinance Factory, Dehradun.

... Applicant.

C/A Shri D.P. Agarwal.

Versus

The General Manager, Ordinance, Factory, Dehradun.

... Respondent.

C/R Shri....

ORDER (Oral)

Hon'ble Mr. Justice B.C. Saksena, V.C.

Through this petition the applicant challenged the order dated 13.02.1988 passed by General Manager, Ordnance Factory, Dehradun. By this order the applicant was informed that he would ^{be} attaining the age of super-annuation on 31.05.1989. The applicant's case is that his date of birth was wrongly mentioned as 02.05.1931 in the service book but, his correct date of birth is 28.03.1934 and this very date is recorded as his date of birth in his High School certificate. The applicant was appointed on 29.12.1950 and at that time he had left the certificate and proof of age in Pakistan he could not give his correct date of birth at the time of employment. The applicant further alleges that he came to know about the date of birth recorded in the service book

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some times in December 1987 or January 1988 and he requested the respondents to correct the date of birth and age. The respondents refused to correct his age by an order dated 02.09.88. The order of rejection of his request indicated in OA's letter dated 28.05.87 is not applicable for the applicant. It is only for General Manager of the Factory, therefore, his date of birth could not be amended in the service book.

2. In the Counter Affidavit it has been indicated that at the time of induction in the job as a Trainee, his date of birth is 02.05.1931 as the applicant himself stated verbally at that time that his age is 19 years and according to medical assessment his date of birth was recorded as 2nd May 1931. The applicant had passed High School Examination after entering into the service. He did not submit any documentary evidence in support of his education as well as the date of birth and as such an affidavit was asked for by his father Shri Ram Lok Jagpal, who was also working in the Factory and the Father of the applicant furnished an affidavit on the basis of which the applicant's date of birth was recorded as 02.05.1931. Copy of the affidavit has been enclosed in the counter affidavit. Copy of the workman's record of service is also enclosed herewith, which indicates the applicant's date of birth as 02.05.1931. Further case in the counter affidavit is that even assuming the applicant's date of birth is 28.03.1934, the applicant could not have been appointed and on that ground, it is

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alleged that his date of birth is 28.03.1934, cannot be correct.

3. We need not point out further facts and circumstances as pleaded by the parties. In our opinion this case can be dismissed only on the ground that the applicant, on his own, has sought correction in the date of birth after lapse of more than 27 years. Latest decision of the Hon'ble Supreme Court in Harnam Singh's case squarely clinches the question against the applicant. The rejection of the applicant's request of correction of date of birth on ground of delay calls for no interference. The OA is accordingly dismissed. Parties shall bear their own costs.

WL
Member-A

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Vice-Chairman

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