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THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.641 of 1988.

Ainul Haque.... .. Applicant.

s.

The Union of India and others... .. Respondents

HON'BLE MR MAHARAJDIN MEMBER(J)

The applicant has filed this application seeking the relief to issue direction to the respondents to decide the representation of the applicant regarding correction of his date of birth in the service record. It is also prayed that the respondents be directed not to retire the applicant on the basis of the date of birth recorded in the service record.

The applicant was appointed as Khalasi on 23-05-1951 and at that time he did not submit any record about his date of birth. The date of birth of the applicant in the service record was wrongly recorded as 06-06-1930 whereas he claims his correct date of birth as 30-12-1937. The applicant submitted representation for correction of his date of birth in the service record which was rejected.

The respondents filed counter affidavit and resisted the claim of the applicant inter alia on the ground that the date of birth of the applicant was correctly recorded in the service record and the same could not be altered on the basis of School Leaving Certificate which according to the respondents is a forged document.

I have heard the learned counsel for the parties and perused the record.

The applicant has stated that he is educated upto IInd class and on 22-07-1945 School Leaving certificate was obtained by him in which his date of

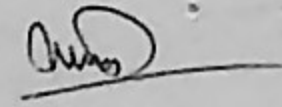
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birth is recorded as 30-12-1937 (Annexure I). It is to be noted that applicant was appointed as Khalasi in the year 1951 and he obtained the school leaving certificate in the year 1945 so when he possessed the documentary evidence of his date of birth why he did not produce the same at the time of appointment as a Khalasi. It is further strange to note if the contention of the applicant is accepted that he born on 30-12-1937 and was appointed as Khalasi on 23-08-1951, his age at that time comes to 13 years 7 months and 23 days which, under any circumstance, cannot be accepted as a correct date of birth. The contention of the applicant is also not acceptable that in the year 1951 even the minors could be appointed as a Khalasi as there existed no such rule at all. The applicant has stated that he submitted the first representation for correction of his date of birth on 23-12-1981. The respondents in para 5 of their Counter Affidavit has stated that the representation dated 24-11-1981 of the applicant was thoroughly examined and on enquiry it was found that the school from-where the applicant is said to ^{have} obtained the school leaving certificate was not in existence at Jhansi. The applicant after having submitted the representation on 23-12-1981 (Annexure -II) received reply on 19-12-1987 (Annexure A-III) and during the intervening period he kept silence. He, however, filed the present application on 20-05-1988 which is highly time barred. When the applicant came to know about the alleged incorrect recording of the date of birth in the service record in the year 1981 he should have taken immediate action for correction of the same by filing the case in the court of law. The period of limitation however cannot

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be extended by repeated representation. The applicant has already been retired from the service and the applicant filed this application for correction of date of birth at the fag end of the service career which ~~can~~ he cannot be permitted to do so.

In view of the discussions made above there is no merit in the case of the applicant and the application is also barred by limitation, which is hereby dismissed with no order as to cost.


MEMBER-J

Dated, Allahabad, October 25th, 1993.
(VKS PS)