

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

(1)

Original Application No. 69 of 1988

Pishauri Lal ...

Applicant

Versus

Union of India and others ...

Respondents

**

HON'BLE MR MAHARAJDIN, MEMBER-J

This is an application under Section 19 of the Administrative Tribunal Act 1985 seeking the relief for correction of date of birth of the applicant in the service record.

The applicant came in India from Pakistan in the year 1947 after partition. The applicant was appointed as Khalasi in the year 1951 in the Engineering Department in North East Railway, Gorakhpur. The applicant had no documentary proof regarding his date of birth. The applicant, at the time when he entered in the service, declared his date of birth as 12-01-1930. It is stated that the Head Office in 1955 demanded the proof of the exact date of birth as well as educational qualification of the applicant. On furnishing the particulars where the applicant was educated, the Executive Engineer (B), Gorakhpur wrote a letter to the Head Master, Urdu Islamia Middle School, Darband, Hazara (West Pakistan), who in reply, informed that the applicant was educated upto 4th class in the school

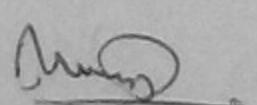


(2)

and his date of birth was 01-01-1931 (Annexure III). So on this ground the applicant had sought the relief for correction of his age in the service record.

The respondents filed counter reply and resisted the claim of the applicant interalia on the ground that the date of birth of the applicant in the service record, was recorded on the basis of the declaration made by applicant himself.

I have heard the learned counsel for the parties and perused the record carefully. The applicant based his claim for correction of his date of birth in service record mainly on the ground that his date of birth was recorded in the school where he studied, as 31-01-1931 and to this effect he has filed Annexure-III, a letter addressed to the Executive Engineer, N.E.Railway, Gorakhpur by the Head Master, Govt. Middle School, Darband (Hazara) (West Pakistan). This is neither a school leaving certificate nor any authentic evidence about the date of birth of the applicant. It has been contended on behalf of the respondents that on the request of the applicant a letter was written to the Head Master ^{to} asking for ^{to} write about the educational qualification of the applicant. But in the aforesaid letter the date of birth has also been mentioned which is contrary to the declaration made by the applicant when he entered in the service.



Respondents have filed copy of declaration made by the applicant about his date of birth (Annexure-I) which reads as under :

" XEN/ Bridge, GKP

I hereby declare that my date of birth is 12-1-1930, which is correct.

Sd/- Pishauri Lal
s/o Amar Singh. "

This written declaration was signed by the applicant himself and it was countersigned by the then Bridge Inspector, Piliphit under whom he was appointed. This declaration was given to Executive Engineer (Bridges) Gorakhpur which was accepted by the Railway Administration. The applicant is a literate person and he, in his own handwriting, has given written declaration (Annexure-I).

The applicant subsequently on several occasions had given his date of birth as 12-01-1930, such as while filling up the form for withdrawal of Provident Fund, ~~final~~
~~settlement~~, and final settlement papers etc. he gave out his date of birth as 12-01-1930 (Annexure-III). The seniority lists were notified time to time in which the date of birth of the applicant was written as 12-01-1930 (Annexure-IV), but the applicant never challenged the same. The applicant was sent for medical examination in the years 1951, 1958, 1962, 1965, 1971, 1977 and 1978 and the photo copies of memos for the years 1965, 1971 and 1977 are filed by the respondents as Annexure-V. All the times the date of birth

[Signature]

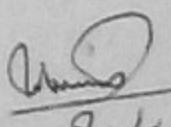
(4)

of the applicant was shown as 12-01-1930 and the applicant never objected the same. The applicant submitted representation for correction of the date of birth (Annexure-IV) on 13-04-1987 whereas he was due to retire on 31-01-1988.

It is surprising to note that if the applicant had come to know that his date of birth was 01-01-1931 as back as in the year 1956, why he did not care to submit the representation well before time for correction of the date of birth.

The learned counsel for the applicant has cited (i) 1988(5) SLR page 127 Union of India versus T.Govindan and another, (ii) 1988(4) SLR (Orissa Admn. Tribunal) page 384 Nityananda Patnaik versus State of Orissa and another, (iii) 1987(3)(CAT) ALL INDIA SERVICES LAW JOURNAL page 179 Sikenderbeg S. Mirza versus Union of India and others. The cases referred to above are not applicable to the facts of the present case.

Thus in these circumstances and the discussions made above, I find no merit in the application which is hereby dismissed with no order as to cost.


8-4-93

MEMBER -J

ALLAHABAD:Dated, April 8th, 1993.
(VKS PS)