

(3) (4)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 884 of 1988

Ram Sunder Applicants.

V E R S U S

Sachiv, Ayudh Nirmani Board,
& others Respondents.

Hon'ble Mr. A.K.Sinha, Member-J

This is an application by the applicant Ram Sunder who is a Hammerman in the ordinance factory, Kanpur under Section 19 of the Administrative Tribunal's Act, 1985 praying for quashing the order dated 26.11.1986 where under directing the applicant to retire w.e.f. 31.7.1988. The applicant has further prayed that the respondents be directed to treat the applicant in service till 31.12.1991 treating his date of birth as 17.7.1931 and he has also prayed that the respondents be directed to correct the date of birth of the applicant as 17.12.1931 in place of 8.7.1928 in the necessary official records.

2. The applicant received the impugned letter, Annexure-1 showing that he was liable to retire on 31.7.1988. It appears that in the service record maintained in the department the date of birth of the applicant was recorded as 8.7.1928 and accordingly the applicant completed his date of superannuation on 7.7.1988 and therefore he was notified to be retired on 31.7.1988.

4

(b) (c)

3. The claim of the applicant is that he was not matriculate and he passed his class IV examination in 1942 in the Basic Primary Pathshala, Shukla Bazar (Faizabad) U.P. and left the said institution on 31.5.1942. In the withdrawal certificate issued from the said school his date of birth was mentioned as 17.12.1931 vide Annexure-2. The applicant also found his horoscope in which his date of birth was mentioned 17.12.1931 vide Annexure-3.

4. On the basis^{of}/these materials/the applicant made several representations to the respondents for correction of his age, but the respondents kept silence over the matter, and in the meantime, the applicant has been retired on 31.7.1988.

5. On notice the respondents appeared and filed their Counter Affidavit repudiating the claim of the applicant and stating inter alia that the date of birth of the applicant was recorded as 8.7.1928 and since the applicant did not produce any documentary evidence regarding his date of birth and declared his age as 22 years at the time of his initial appointment, his age was assessed by the Medical Officer by his physical appearance and test on 8.7.1950 and the date of his birth was recorded as 8.7.1928 on his service record which was prepared before the Medical Officer and signed by the applicant as a token of corrected age. In this connection, the applicant has produced the photo copy of his service record, Annexure CA-1 which would support these facts as

u

7 63

stated in the Counter Affidavit. It was further stated that the applicant till attaining the age of 56 years did not produce any documentary evidence regarding his date of birth. It was in the year 1985 when he forwarded an affidavit dated 21.8.1985 wherein his date of birth was shown to be 17.12.1933. Similarly the applicant filed School Withdrawal Certificate and horrowscope in which his date of birth was shown as 17.12.1933 and in this connection Annexure CA-2, CA-3 and CA-4 were filed.

6. Where as the application for withdrawl forwarded by the applicant with photo copy of horrowscope during the year 1986 indicated that his date of birth was 17.12.1931 and in the columns, date of application and the date of last attendance in the school it was indicated as 1.7.1942 and 31.5.1942 respectively. The date of birth reflected therein was 17.12.1931 and in this connection Annexure CA-5 and CA-6 may kindly be seen which are photo copy of application for withdrawl from Basic Primary Pathshala, ^{Bazar} Shukla/ Faizabad and the photo copy of the horrowscope respectively.

7. Thus, from his own showing, the applicant has been producing fake documents at one time showing is his date of birth as 17.12.1933 and ^{in another time showing his date of birth as 17.12.1931} and thus, it shows that the applicant's intention for correction of his ⁱⁿ date of birth is based on unreliable and unconscionable documents for wrongful gain.

(8)

(4)

8. On a consideration therefore these materials on record and after hearing the learned counsels of the parties, I am quite clear in my mind and hold accordingly that there is no merit in this application for correction of age and the same is accordingly dismissed.

There will be no order as to cost.

Adhikar Singh,
Member-J

Allahabad Dated: 6.4.1993

(jw)