

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

D.A. NO. CA NO. 759/89 OF 199
TA. NO.

Date of decision 2-93

Tanta Shanker Pandey Petitioner

Sri. S.B. Dey Advocate for the petitioner

Versus

Union of India & others Respondent

Sri. A.K. Gaur Advocate for the Respondents

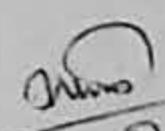
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CORAM :-

The Hon'ble Mr. Mahavajj Din, I.M.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgment
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?


2-93
Signature

NAQVI/

(6) AV/2
CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

O.A. No. 759/89

Janta Shanker Pandey...Applicant

Versus

Union of India and others.Respondents.

By Hon'ble Mr. Maharaj Din, J.M.

The applicant has preferred this application seeking relief to direct the respondents to alter the date of birth in the service record on the basis of School Certificate.

2. The applicant entered in regular service as a cleaner on 19.6.1952 and at the time of his appointment his date of birth was recorded as 6.1.1932 instead of 15.1.1936. The applicant had been promoted and was posted as driver grade 'C' in the pay scale of 1200-2040 under Loco Foreman Sone Nagar Eastern Railway. It is stated that the applicant received retirement particulars book issued on 16.12.1988 and came to know that his date of birth was erroneously recorded as 6.1.1932 (Annexure 1). He made representation on 27.12.1988 for correction of his date of birth in the service record (Annexure 3) but he received no reply.

3. The respondents have filed the counter reply and resisted the claim of the applicant maintaining that the date of birth of the applicant in the service record was recorded on his own declaration.

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

5. The respondents have said that at the time of the initial appointment the applicant did

Ans.

not file any School certificate. At the time of his appointment as a cleaner he was aged about 20 years 5 months and 12 days so taking into account his declaration about his age, his date of birth was recorded as 6.1.1932 in the service record. The aforesaid date of birth of the applicant entered in the service record was duly accepted by him and he put his signature as token of acknowledgement and the same was certified by the Gazzetted Officer at the relevant time. The applicant has stated that he submitted the School certificate at the time when he entered in the service. This fact has been emphatically denied by the respondents and according to them the applicant never produced or submitted School certificate in support of his date of birth as alleged in the application. The medical examination was conducted at the time of the appointment of the applicant and the Medical Authority on 16.11.1951 assessed the age of the applicant as 19 years 10 months which corresponds to the date of birth as recorded in the service record. The applicant has produced Hindustani Middle School examination certificate in which his date of birth is recorded as 15.1.1936. The assertion of the respondents is that this certificate was not produced by the applicant at the time of his appointment as a cleaner. It is significant to note if the applicant at the time of his appointment on 19.6.1952 had produced this certificate, he was 16 years of age and had not attained the age of majority. So according to rules he could not be appointed as a cleaner as he had not attained the age of majority. The respondents have also stated that the alleged representation dated 27.12.1988 for correction of date of birth of the

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applicant was never submitted. The applicant had already retired on attaining the age of super-annuation on 31.1.1990 and no alteration in the date of birth can be permitted at the fag end of service.

6. Thus under these circumstances I find no merit in the application of the applicant which is hereby dismissed with no order as to costs.

Dated: Allahabad

8th Feb., 1993

Qm
81.2.95
Member (J)

(AR)