

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 298 of 1992

Kirpal Singh Applicant.

Versus

Union of India and others Respondents.

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Hon. Mr. Maharaj-Din, Member (J)

The applicant has preferred this application under Section 19 of the Administrative Tribunals, Act 1985 seeking direction against the respondents to permit him to continue in his job till 31.3.1994 treating his date of birth as 15.3.1936.

2. The applicant was the Resident of District Hazara of East Pakistan due to communal disturbances in the year 1947, he crossed the border and took shelter in the Indian territory. The applicant was studying in 9th class before coming to India. In the year 1954, he was given job under the Northern Railway, Lucknow Division. It is said that at the time of his appointment, he submitted an affidavit stating therein that he was VIIIth Class pass and his date of birth was 15.3.1936. The said affidavit was accepted by the Competent Authority (Annexure-A 1). The applicant was served with the communication from the respondents (Annexure-A 2) through which, he was informed that he would be retiring on 31.3.1992. The applicant submitted applications for correction of his date of birth requesting that he should be retired on 31.3.1994. No reply was received from the respondents about deciding his representation for correction of

(Signature)

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of his date of birth in the service record, hence, he has come up before the Tribunal for redress.

3. The respondents filed counter reply and resisted the claim of the applicant stating therein that the date of birth of the applicant as 15.3.1934 and recorded in the service record on the basis of the declaration made by the applicant himself.

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

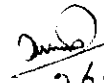
5. The applicant was appointed as Loco-Cleaner in the year 1954 and was posted in Lucknow Division of Northern Railway. The contention of the respondents is that the date of birth of the applicant recorded in his service record has been accepted by him as he put his signature on the service book acknowledging the contents written therein. The respondents have denied about filing of any affidavit by the applicant evidencing his date of birth at the time of his appointment. The applicant has filed the copy of the said affidavit (Annexure-A 1) which is not a duly certified copy, as such, no reliance can be placed on it. The date of birth of the applicant recorded as 15.3.1934 in the service record has been challenged at the ~~stage~~^a end of his service career which is highly belated. According to the respondents, the applicant was very well aware about his date of birth as entered in the service record. The alleged affidavit of the applicant is not tracable in the record of the respondents and no alternation in the date of birth of the applicant recorded in the service book is

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possible. In view of note-6F.A.-56 according to which no request be considered in alteration of date of birth after 5 years from entering in the Government Department. Moreover, when the applicant himself put his signature to verify and accepted his date of birth recorded in the service record, he cannot be permitted to challenge the same at a ^a ~~fact~~ end of his service.

6. In view of these facts and circumstances of the case, I find no merit in the application which is hereby dismissed. No order as to the Costs.


26.2.93
Member(J)

Dated: 26th Feb. 1993.
(n.u.)