

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

-103-

O.A. No. 692 of 1992

Mahabir Prasad Applicant

v.

Union of India and others ... Respondents

HON'BLE MR. MAHARAOJI, MEMBER-J

The applicant has moved this application seeking the relief to issue direction to the respondents No.2 and 3 to consider and dispose of the representation of the applicant regarding correction of date of birth.

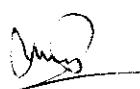
The relevant facts giving rise to this application are that the applicant was initially appointed as Extra Departmental Runner with effect from 21-02-1952 at Branch Post Office Pipara Ghat and continued in service till the impugned order (Annexure A-1) was received regarding the retirement on attaining the age of superannuation. According to the Service Record the date of birth of applicant is recorded as 18-10-1926, whereas the applicant has claimed his real date of birth as 08-10-1926. The applicant alleged to have submitted representations regarding correction of his date of birth in the service record. The representations submitted by the applicant were not replied by the respondents and he has been retired from service on 09-12-1991.



The respondents have filed Counter Affidavit and resisted the claim of the applicant on the ground that the date of birth of the applicant in the service record was recorded on the basis of his own declaration at the time of his appointment and no change in the date of birth recorded in the Service Record is possible as it is subsequently challenged.

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

No service rules were framed regarding appointment of Extra Departmental Runner prior to the year 1964. In the year 1964, the Government of India for the first time framed rules known as Post and Telegraph Extra Departmental Agents (Conduct And Service) Rules, 1964. After the enforcement of the aforesaid rules the applicant and similar other employees of the department were directed to obtain medical certificate regarding their date of birth. The applicant on 08-10-1965 had undergone medical test by presenting himself before the Incharge Civil Hospital, Deoria. The doctor, during the course of medical examination, asked about the age of the applicant, upon which he declared his age as about 36 years but the doctor has recorded his age as 37 years. The copy of the medical report dated 08-10-1965 has been filed with the application as



Annexure A-2. These facts are emphatically denied by the respondents by stating that the applicant was never directed to appear before the Medical Officer and produce the medical certificate. The medical certificate (Annexure A-2) produced by the applicant is a fabricated document which has been obtained with a view to make correction in his recorded date of birth. Such certificate has never been produced by the applicant before the respondents. The applicant has not shown me the Rules under which he was required to undergo medical examination for verification of the date of birth. The doctor who issued the certificate (Annexure A-2) in the last has said "his age according to his own statement is 36 years and by appearance 37 years." The assessment about the age of the applicant medical by the doctor is not based on any scientific test. Moreover no specific date of birth is given by the doctor in his certificate (Annexure A-2). So this medical certificate is of no avail to establish that the applicant was born on 08-10-1928 as claimed by him.

The applicant has produced copy of representation dated 31-10-1991 (Annexure A-3) which, according to him, was submitted to the respondents for correction of the date of birth. The respondents in their Counter Affidavit denied to have received such representation. The respondents

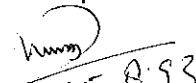


have also denied that no subsequent representation, as claimed by the applicant, (copy of which is Annexure A-5,) was received by them. The learned counsel for the applicant has pointed out that different dates of birth of the applicant at different point of time were recorded by the respondents in the service record such as in descriptive particulars (Annexure CA-1) the date of birth of the applicant is recorded as 18-10-1926, in Gradation List (Annexure A-4) his date of birth is recorded as 10-10-1926, and in letter issued by the respondents (Annexure A-1) his date of birth is shown as 10-12-1926. This discrepancies might have occurred due to negligence of the employees of the respondents while mentioning the different dates and months of the date of birth of the applicant, but the year 1926 is recorded as common which is an important matter of the aspect. The learned counsel for the applicant has argued that the respondents had not brought the service record of the applicant despite observation of this court made on 8-7-1993 in the order sheet. The learned counsel for the respondents produced the original descriptive particulars, copy of which is already filed as Annexure CA-1 along with C.A. and further he has stated that no other service record of the applicant has been maintained by the office.



The another aspect of the matter is that the applicant
had never challenged his date of birth as recorded ⁱⁿ ~~descrip-~~
tive particulars of the service record(Annexure CA-1). The
applicant at the time of his retirement on 9-12-1991 had
signed the relieving charge report and the claim papers
regarding ~~as~~ his ex-gratia gratuity without any objection
about the date of birth which is recorded in the descriptive
particulars(Annexure CA-1). The alteration in the date of
birth recorded in the service record can not be permitted
at the fag end of the service career and particularly in
case of the applicant, who retired on 9-12-1991 and moved
present application on 15-5-1992 before this court for
correction of date of birth. ~~XXXXXXXXXXXXXXMXXXXX~~
dated.

In view of the discussion made above, I find no
merit in the application of the applicant which is dismissed
with no order as to the costs.


25.8.93
MEMBER (J)

DATED: Allahabad, August , 1993.

(VKS PS)