

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHAD BENCH.

...

Registration O.A. No. 699 of 1992

Jagdish Lal Sharma ... .. Applicant.

Versus

Union of India  
and others ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

Feeling aggrieved against the non-correction of his date of birth by the department, the applicant has approached the Tribunal and has prayed that the order dated 10.5.1991 and the order dated 14.11.1990 passed by the respondent no. 1 may be quashed and the mandamus be issued to the respondents to correct the date of birth of the applicant in his service book by making it 10.8.1937 instead of 9.1.1935 and to allow the applicant to continue in service till he attains the age of superannuation according to his date of birth as 10.8.1937.

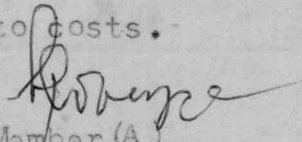
2. Admittedly, the applicant was one of those who had to migrate to India when the India was partitioned in the year 1947, and at that ~~time~~ time, the applicant was aged only 10 years. They settled in the District of Karnal. In the year 1948, the applicant got admitted in class-V in D.A.V. High School, Shahabad, Markanda where from, the applicant passed Matric Examination in the year 1954. According to the applicant his parents were <sup>not</sup> illiterate and were aware regarding the importance of date of birth, thus, while giving particulars in the


admission form, gave the date of birth of the applicant as 9.1.1935 which was accepted by the School authorities who did not demand at that time any School leaving Certificate. The applicant ultimately got the employment in the post office. On 10.5.1988, the father of the applicant died and the applicant in his father's personal box found an old papers in which the date of birth of the applicant was mentioned as 10.8.1937. The applicant thereafter inquired the matter and sent a letter dated 20.1.1990 to the Pakistan High Commission, New Delhi and the Indian High Commission, Islamabad Pakistan requesting them to make necessary inquiry from the primary school Lohinyamwala and other places regarding confirmation of his date of birth, and the applicant accordingly, claimed correction of his date of birth on the basis of the same but his prayer was refused.

3. The respondents have resisted the claim of the applicant and have pleaded that the applicant's date of birth mentioned in the High School Certificate and the date of birth given in the service record is same and until the said certificate is got corrected from the Board of High School, the applicant can not claim any benefit on the basis of his school leaving certificate received from the Pakistan.

4. In our view it is a fit case in which after receipt of the record, the applicant should have been associated only thereafter a finding should have been arrived at and accordingly, the respondents are directed to hold an enquiry in the matter associating the applicant with the same and taking into consideration the report

of the primary school. Let the enquiry be concluded within a period of three months from the date of communication of this order and in case in the inquiry the applicant's contention is found to be true and the respondents come to a conclusion that his date of birth was wrongly recorded in his High School Certificate, his date of birth may be corrected in his service record and the benefit of the same may be given to him. The application is disposed of with the above terms. No Order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 14.10.1992  
(n.u.)