

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

D.A. No.829/92

Bhanu Pratap Singh : : : : : Applicant

vs.

Union of India &
Others : : : : : Respondents

Hon. Mr. Maharaj Din, Member (J)

(By Hon. Mr. Maharaj Din, J.M.)

The applicant has moved this application under section 19 of the Administrative Tribunals Act, 1985 for correction of his date of birth in the service records.

2. The applicant was appointed as Labourer (B) on 22-6-1962. After passing through various trade tests from time to time he was appointed as Crane Operator since 1989. The applicant, at the time of his appointment, said to have made declaration about his date of birth as 3-5-1938, but the same has been incorrectly recorded in the service record as 2-6-1932. The respondents issued order on 3-9-90 regarding the list of employees who, on attaining the age of superannuation, were to retire from service. In the said list, the name of the applicant appeared at Sr.No.35. It is stated that the applicant prior to the issuance of the order dated 3-9-90 came to know that his date of birth was incorrectly recorded, so he made representation for correction of his date of birth in the service record. The representation of the applicant was rejected, hence he has come up before this Tribunal.

praying for the relief of correction of his date of birth in the service record.

3. The respondents filed reply and resisted the claim of the applicant on the ground that the date of birth of the applicant has been correctly recorded in the service record and the same cannot be changed at a so belated stage.

4. I have heard the learned Counsels for the parties and perused the records.

5. The applicant has filed photo-copy of the extract of the scholar register (Annexure-II) in which his date of birth is recorded as 2-5-1938. Admittedly this document was not produced at the time of the appointment by the applicant. The applicant has also not produced the original extract of the scholar register, and, therefore, the authenticity of this document cannot be adjudged.

6. It has been contended on behalf of the applicant that in para 3 of the counter-reply the respondents have stated that at the time of the appointment the respondents disclosed his age as 26 years and his date of birth as such comes to 20-6-1936. The applicant has asserted that his real date of birth as 3-5-1938. This fact is not admitted to the respondents. The respondents, in fact in para 3 of the counter-reply has not admitted that 20-6-36 is the date of birth of the applicant, rather it is stated that the applicant claimed that he was aged about 26 years, at the time of his appointment. But the respondents have stated that by appearance he was not looking 26 years of the age. In these circumstances the respondents ²

obtained the report of the Doctor and on the basis of the medical report his date of birth in the service record was recorded as 20-6-1932. This fact has been subsequently acknowledged by the applicant on several occasions. The applicant, for the first time, made representation about the correction of his date of birth in the year 1989 about 3 years were left for his retirement.

7. The applicant was informed by the respondents (Annexure CA-4) that he would retire in the year 1990, but still the applicant did not take any step but he has moved the application for correction of age in the year 1992. The representation of the applicant was disposed of in the year 1989 and thereafter he ~~had~~ slept over for more than 3 years as he did not take any step for correction of age during this period. The representation was rejected as the applicant sought amendment of his date of birth in the service record at a late stage. The entry made in the service record cannot be permitted to be changed, about the applicant's date of birth, at the fag end of his service.

8. The learned counsel for the respondents has referred U.P. Local Body and Education Cases, 1992, Viswanath Vs. Union of India and others and has stressed that in the said case, change of the date of birth in the service record was allowed. The observations made in the case referred to above are not applicable to the facts of the present case. In the said case correction of date of birth was sought much before the date of superannuation.

9. Thus, in view of the discussions made above, I find no merit in the application of the applicant and it is hereby dismissed with no order as to costs.

20/11/92
Member (J)

20/11
Dated: 18th November, 1992, Allahabad.

(tgk)