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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD

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Original Application No.1016 of 1992

Jeet Singh ... ... Applicant

Vs

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

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HON'BLE MR MAHARAJDIN, MEMBER-J

This application has been filed by the applicant for correction of his date of birth recorded in the service record.

The applicant was appointed as Class IV employee in Central Railway on 06-04-1963 and was promoted as clerk with effect from 01-01-1970 and was further promoted as D.S.K.-III in 1986. It is stated that at the time of the appointment of the applicant his educational qualification was High School. <sup>pass</sup> He submitted the High School Certificate at the time of his appointment in which his date of birth is recorded as 08-08-1937 but in the service record his date of birth is recorded as 08-08-1934. The applicant alleged to have submitted representation for correction of his date of birth on 30-01-78 and correction was ordered to be made in the date of birth as shown in the seniority list published on 05-11-1977. The applicant was informed vide letter dated 07-01-1992 that he was to retire with effect from 31-08-1992 on the basis of his date of birth recorded as 08-08-1934, against which he submitted representation dated 21-01-1992 and without disposing of the representation the applicant was retired from service on 31-08-92.

The respondents filed Counter Reply resisting the claim of the applicant inter alia on the ground that the date of birth of the applicant at the time of his initial

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appointment as temporary Khalasi was recorded as 08-08-1937. It is incorrect to say that his date of birth was initially recorded as 08-08-1937 on the basis of High School Certificate. The respondents have also stated that the service record of the applicant shows that he did not produce the High School Certificate or any other document evidencing his date of birth.

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

The applicant vide letter dated 07-01-1992 was informed that he was to retire on 31-08-1992. He submitted representation on 21-01-1992 for correction of date of birth in the service record. The representation submitted by the applicant is obviously quite balated.

The respondents have filed extract of seniority list of Class IV employees published in the month of November 1972 which was being maintained at the time when the applicant was promoted as a Junior Clerk (Annexure CA-II). The applicant was further promoted as senior clerk. The seniority list of senior clerks was published on 05-11-1977, extract of which is filed as Annexure CA-III. The respondents have also filed the extract of inter-se seniority list of Junior Clerks of JHS area as on 01-01-1984 (Annexure CA-IV). The extract of inter-se seniority list of senior clerk of JHS area published on 24-04-1990 is also enclosed with the reply as Annexure CA-V and the extract of inter-se seniority list of JHS area of DSK-III is annexure CA-VI. In the seniority list as mentioned above, the date of birth of the applicant had been published as 08-08-1934. The respondents have also filed



the extract of the seniority register of Class IV employees which was being maintained by JHS Depot at the time of initial appointment in which the date of birth of the applicant is recorded as 08-08-1934 (Annexure CA-I). The applicant claims to have represented against incorrect recording of his date of birth in the service record on 30-01-1978 and according to him the service record of the applicant was ordered to be corrected, accepting his date of birth as 08-08-1937, and his date of birth was corrected in the seniority list dated 05-11-1977 (Annexure A-VII) as 08-08-1937. The respondents have emphatically denied this correction in the seniority list (Annexure CA-VII) and have said that it is fabricated document. The applicant has however not filed any such order of the competent authority who passed the order for correction of his date of birth. He also did not mention about submission of the earlier representation in his representation dated 21-01-1992 (Annexure A-II) on the basis of which his date of birth was ordered to be corrected in the seniority list (Annexure A-VII). So such correction without any order made in the seniority list cannot be relied upon.

Lastly it has been argued on behalf of the applicant that his date of birth in the service record was recorded as 08-08-1937, but the respondents have not produced the same. The respondents in reply of this plea taken by the applicant, have filed Office Note (Annexure CA-IV) with Supplementary Counter Reply in which it is written that the front page of proforma No.GS 2/1 of the service record filed by Jeet Singh (applicant) is found missing in which the actual date of birth/date of

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appointment/medical fitness etc was written. The front page was purposely got removed by the interested person and may be the applicant.

Thus it is clear that the date of birth of the applicant was consistently being written in the service record all the times as 08-08-1934. The correction in the seniority list (Annexure A-VII) by scoring out the date of birth of the applicant, which was written as 08-08-34 is not authenticated nor worthy of placing reliance. The respondents have cited recent pronouncement of the Hon'ble Supreme Court reported in A.I.R. - 1993 - S.C. - 1367 : *Union of India vs Harnam Singh* in which it has been held that the belated request for correction of date of birth mostly on the hue of the superannuation of the Government employee should not be accepted.

In view of the discussions made above I find no merit in the application of the applicant and the application is hereby dismissed with no order as to cost.

W.M.  
MEMBER-Judicial

Dated: Allahabad, February 2<sup>nd</sup>, 1994.  
(VKS PS)

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