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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD

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Original Application No. 1790 of 1993

Babu Lal Sharma ... ... Applicant

Vs

Union of India and another. ... Respondents

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HON'BLE MR MAHARAJ DIN, MEMBER-J

This application has been filed by the applicant seeking the relief of correction of date of birth in the service record.

The applicant was appointed as Tailor in the office of respondent No.2 in the year 1962. At the time of entering in the service his date of birth was recorded as 08-02-1934 whereas the applicant claimed his correct date of birth as 11-03-1940 on the basis of the Transfer Certificate as well as mark-sheet of High School Examination (Annexures A-II and A-VI). The applicant has alleged that in January 1988 he could know through his pay slip that his date of birth is wrongly recorded as 08-02-1934 on the basis of the opinion of the doctor. He made representation on 07-03-1988 for correction of his date of birth in the service record as 11-03-1940 in place of 08-02-1934 (Annexure A-III). The applicant again submitted his representation dated 14-12-1991 for correction of his date of birth in the service record (Annexure A-V). The last representation was submitted on 17-05-1992 (Annexure A-VI), but none of these representations were replied. The applicant was given notice of retirement on 30-08-1993 retiring him on 28-02-1994, hence the applicant has come up before this Tribunal for redress.



The respondents filed Counter Reply and resisted the claim of the applicant inter alia on the ground that at the time of appointment the applicant did not produce the documentary evidence in support of his date of birth as stated in the application. His date of birth was recorded as 08-02-1934 on the basis of medical examination report of the Medical Officer of the Factory.

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

The applicant has filed the copy of the judgment of this Tribunal ( O.A.No.640/91 : Shanker Lal Sharma versus Union of India and others ) in which the direction was issued to the respondents to hold an enquiry associating the applicant to confirm as to whether the applicant has in fact studied in a particular school and entries made about his date of birth were correct or not ? The applicant will not get any help out of this pronouncement made by this Tribunal because in that case merely enquiry was ordered to be held and it was further observed that in case the certificate produced by the applicant of the said case was found fictitious , the application of the applicant shall be deemed to be dismissed. The respondents have categorically said that at the time of appointment, the applicant has not produced any documentary evidence about the date of birth as he was not in possession of the same. The date of birth was recorded as 08-02-1934 on the basis of the medical examination report. The applicant mentioned his educational qualification as VI Class (privately) while filling up the papers for police verification (Annexure CA-II) and

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he had not mentioned the name of any institution. Thus I find no substance in the assertion of the applicant that he was a regular student of the educational institution and had studied upto IXth Class. The respondents have rightly ignored these documents on the basis of which the correction of the date of birth in the service record was sought by the applicant. The applicant submitted representation on 14-12-1991 at the fag end of his service career after completing more than 29 years of service in the department for change of his recorded date of birth as 11-03-1940 on the basis of Transfer Certificate alleged to have been issued by D.M.U. Inter College, Kanpur (Annexure A-II). In view of the Notification dated 30-11-1979 of Ministry of Home Affairs circulated for information to all employees (Annexure CA-III) and Factory order dated 10-04-1978 (Annexure CA-IV), the representation of the applicant had been rejected and he was duly informed accordingly vide order dated 02-03-1992, but he refused to accept the said order (Annexure CA-V).

The applicant acknowledged the entries made in the service book by putting his signature in the year 1966. He submitted application dated 03-03-1968 wherein he mentioned his age as 44 years according to which his date of birth comes in the month of February 1934 (Annexure CA-VI). He was issued Identity Card dated 15-07-1968 in which his date of birth was shown as 08-02-1934 (Annexure CA-VII). The applicant also signed application form dated 12-08-1993 for getting pension on superannuation without raising any objection about his recorded date of birth (Annexures CA-VIII and CA-IX). The respondents

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have said that the applicant made only one representation dated 14-12-1991 for alteration in his recorded date of birth which was rejected after verifying his service record and in view of the Ministry of Home Affairs' Notification dated 30-11-1979 (supra). Thus from the documents referred to above it is quite evident that the applicant had occasions to see and acknowledge his recorded date of birth on various occasions and he did not claim the change in the recorded date of birth within five years from the date of entering into service or within reasonable time. Since the applicant had not submitted any documentary evidence about his date of birth at the time of his appointment, therefore, his date of birth was recorded in the service record as per report of the doctor of the Factory. The applicant subsequently admitted that his date of birth was 08-02-1934 as recorded in the service record while submitting the pension papers, so the applicant cannot be permitted to resile from the same. The applicant succeeded to get School Leaving Certificate in the year 1987 as has been stated by him. The basis on which the change in the date of birth claimed by the applicant is the School Leaving Certificate (Annexure A-II) in which it is written that the applicant studied in the school from 1953 to 1954 and the applicant was inducted in the service in the year 1962 and if this document was in his possession, why he failed to produce the same at the time of his induction in employment. The entry of date of birth in the High School failed marksheets is based on the entry of School Leaving Certificate, so this document is also of no avail to the applicant.

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The law is settled on the point that change in the recorded date of birth in the service record can not be permitted at the fag end of the service career and the same view was held in the recent pronouncement of the Hon'ble Supreme Court in A.I.R. - 1993 - Supreme Court - 1367 : Union of India versus Harnam Singh.

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



MEMBER-J

Dated: Allahabad, February 3<sup>rd</sup>, 1994.  
(VKS PS)

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