

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 276 of 1993

Allahabad this the 03rd day of January, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Dori Lal S/o Budh Ram, R/o Out House 2-C, Rail-
way Colony, Aligarh.

Applicant

By Advocates Shri S.K. Yadav a
Shri R.K. Saxena

Versus

1. Union of India through the Manager, Northern Railway, Allahabad.
2. D.R.M., Northern Railway, Allahabad.

Respondents

By Advocate Shri S.N. Gaur

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Dori Lal has filed this application under Section 19 of the Administrative Tribunals Act, 1985 with the prayer to issue direction to the respondents to make necessary correction in the service book of the applicant regarding his date of birth.

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2. As per the applicant's case, he entered into class IV service on 15.8.1960 under Sanitary Inspector, Northern Railway, Aligarh. The applicant states that when he joined the service, he mentioned his age as 20 years in his application for appointment and also subsequently filed the school leaving certificate in which his date of birth has been mentioned as 07.1.1938 but the service record wrongly mentioned his date of birth as 27.1.1935, for which he made representations but of no avail. The applicant has based his case mainly on the ground that when he joined in the year 1960, he mentioned his age about 20 years and as per his school leaving certificate his date of birth is 07.1.1938 and, therefore, he is being wrongly retired on 31.1.1993.

3. The respondents have contested the case and filed counter-reply which clearly mentions that no representation, as alleged by the applicant in his O.A., was received in the Office of Northern Railway, Allahabad. It has also been contended that the applicant was already retired on 31.1.1993, therefore, the matter become infructuous. The respondents have also filed copy of documents in which the applicant has admitted his date of birth to be 27.1.1935.

4. Perused the record and considered the relevant law on the point.

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5. The applicant has moved for correction of age at the time of his retirement, therefore, so belated move by itself creates a suspicion. Moreover, the applicant has averred that he moved two representations to get corrected his date of birth but the respondents have come up with a categorical case that no representations were received.

6. The applicant has mainly based his case on school leaving certificate in which his date of birth is mentioned as 07.1.1938 but this document cannot be taken as conclusive to prove this fact whereas it loses its veracity against the own admission of the applicant. The respondents have filed the copy of first page of service book of the applicant and his declaration for pass/P.T.O drawl and the copy of loan account page of Primary Co-operative Bank Ltd. In all these documents, the applicant has himself mentioned his date of birth as 21.1.1935 and now at this stage, he cannot be permitted to resile from his own statement.

7. With these facts in view, I find no merit in the O.A., which is dismissed accordingly. No order as to costs.

S. M. M.
(d)

Member (J)

/M.M./