

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 13th day of October, 2000
Original Application No.700 of 1994

CURAM:-

Hon'ble Mr. Rafidquddin, J.M.

Algu S/o Baldeo posted as
Gangman under PWI(South),
E. Rly, Mughalsarai.
(Sri SK Dey/Sri SK Mishra, Advocates)

. Applicant

Versus

1. Union of India through General Manager,
E. Rly, 17, Netaji, Subhas Road,
Calcutta-1.
2. The Divisional Railway Manager,
Eastern Railway,
Mughal Sarai, Distt-Varanasi.
(Sri AK Gaur, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Rafidquddin, J.M.

The applicant entered in the Railway Service
as a ^{casual} Gangman on 1-3-1963 and continued as a casual
Gangman till the year, 1973. It appears that the
medical examination of the applicant was made in
the year, 1973 for the purposes of his regularisation
/absorption in Class IV post. The medical memo
mentioned the date of birth of the applicant as

Rn

26 years. After medical examination fitness certificate was issued by the Medical Officer Eastern Railway, Mughal Sarai on 2-4-1977 in which the age of the applicant was certified to be 26 years. The Service Book of the applicant was prepared in the year, 1975. As per Rule 225, R.E.M. Vol I, in which the date of birth of the applicant has been mentioned as 3-4-1936.

2. ~~But~~ The applicant claims that his date birth has been recorded erroneously as 3-4-1936 because he is an illiterate employee and hence had no knowledge about this error in his Service Book. It is also claimed that his date of birth was recorded in his absence in his Service Book. He claims that his correct date of birth is 01.4.1947 ^{as} reflected in the physical fitness certificate issued by the Railway Medical Authorities.

3. The applicant also claims that the Chief P.W.I, Mughalsarai sent him to the Medical Superintendent, Eastern Railway, Mughalsarai in order to ascertain his correct age vide letter dated 17-8-1996. The Medical Superintendent, Eastern Railway, Mughalsarai ascertained his date of birth as 1-4-1947 vide letter dated 21-3-1986, but the respondents despite ascertaining his age and date of birth through Medical Superintendent, Eastern Railway, Mughalsarai, did not correct his date of birth in the service record and he has filed this DA for correction of his date of birth.

4. I have heard Sri SK Dey and Sri AK ^{Gandhi} ~~Gandhi~~, R counsel for the applicant and respondents respectively and perused the record carefully.

5. It has been contended by the learned counsel for the respondents that the service record of the applicant was not prepared when he was appointed as temporary Gangman on 7-8-1975. It is also ~~stated~~ ^{stated} that the correct date of birth was duly mentioned in the Service Book of the applicant which was duly signed by him. It is further argued that the applicant has since retired on 30-4-1994. The present UA has been filed only after retirement of the applicant in the year, 1994.

6. That learned counsel for the applicant has, however, urged that the applicant had moved representation dated 6-9-1993, copy of which is Annexure-A-3 to the UA, in which he had made protest for correction of his age in the light of the letter dated 21-3-1986. The perusal of this representation indicates that the applicant came to know on 2-9-1993 that his date of birth has not been corrected in terms of letter dated 21-3-1986. It is obvious that the applicant sought correction in the date of birth at a belated stage almost one year prior to the date of his retirement. Learned counsel for the applicant urges that since the applicant is an illiterate person he is not aware of the date of birth, ^{It, however,} is no ground for directing ^{to} the correction of date of birth of the applicant at this belated stage. Since, admittedly the date of birth of the applicant has been mentioned in his Service Book as 3-04-1936 and the applicant has ^Q ~~since~~ retired,

Q

it is not legally possible for the Tribunal to issue direction to the respondents to correct the date of birth of the applicant. The JA is, therefore, dismissed with no order as to costs.

Dehri Madaan
Member (J)

Dube/