

Central Administrative Tribunal,

Allahabad Bench, Allahabad

Original Application No. 1161/1994 (16)

this the 24th day of May, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.

HON'BLR MR. C.S. CHADDHA, AM

Jhamman Lal s/o Sri Bathua Ram Ticket No. 9322 Bench No.

55-P/15/443 r/o Q.No.1/H/79 Double Storey, Factory
Estate, Shahjahanpur.

...Applicant

By Advocate: None present

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. G.M., OCF, Shahjahanpur.
3. Add. D.G.O.F., Gr. H.Q., G.T. Road, Kanpur.

...Respondents

By Advocate: Sri S.K. Pandey B/h for Km. S. Srivastava.

ORDER (ORAL)

MR. R.R.K. TRIVEDI, V.C.

In this case Sri K. C. Saxena L/c for applicant has sent an illness ~~application~~ ^{slip} ~~application~~. However, this case is pending since 1994, we are ^{not} inclined to adjourn the case on account of illness slip.

2. We have heard Sri S.K. Pandey B/h for Km. S. Srivastava and perused the records.

3. By this application under section 19 of the AT Act, 1985, the applicant has prayed for a direction to the respondents to correct the ^{date} ~~date~~ of birth in his service book and mention the date of birth as 12.1.1941 in place of 13.5.1937. The aforesaid claim has been made on the basis of entries in the ~~scholar~~ register, copy of which has been filed as Annexure No.8



4. The facts giving rise to the application are that the applicant was appointed as Labour in OCF Saha jahpur on 15th May, 1963. After selection applicant was sent for medical examination, which was ^{held on} 13.5.1963. On the basis of medical report, the date of birth of the applicant was recorded as 13th May, 1937 and the same was recorded in his service book. Copy of which have been filed as Annexure CA-1 and CA-2 to the counter reply. From both the documents it is clear that applicant has knowledge about the said date of birth and he never objected. He did not challenged the afore said date of birth for about 30 years. He raised this issue for the first time by making an application dated 18th June, 1993 as stated in C.A. (para 5). ~~This application~~ Application was rejected on 18th June, 1993 and the applicant was informed about the order. The applicant retired from service on 31st May, 1997. ~~XXXXXX years before~~ ~~retirement~~ This O.A. has been filed on 29.7.94 i.e. few years before retirement. ~~XXXXXX~~ Similar controversy was raised before this Tribunal in O.A. No. 800/93 in re. Mohd. Shafiq Ahmed Vs. Union of India and others decided on 21st January, 2002 and in O.A. No. 1588/93 in re. Ram Lall Vs. Union of India and others decided on 17.1.2002. In both the aforesaid cases, the dispute ^{was} regarding date of birth and after examining various aspects ^{of} the matter, Division Bench in case of Ram Lall (Supra) in para 13 held as under:

"In the present case the applicant entered in service on 21.6.1963 and it was for the first time on 26.2.1992 i.e. after a lapse of 29 years when ~~XXXXXX years before~~ he represented for the correction in his recorded date of birth. This was less than 3 years before the applicant was to superannuate. The ratio of the decision of Harnam Singh's case (supra) would be squarely applicable to him and the respondents had rightly rejected his representation."

(16)

5. The present case is also squarely covered by the ratio of the decision of the Harnam Singh's case. In the present case, applicant was appointed as labour on 15th May, 1963 whereas he moved application on 10th June, 1993 i.e. after 30 years. Thus the applicant is not entitled for any relief. We are in ~~respectfully~~ ^{with} respectful agreement ⁱⁿ both the judgements given by the earlier division benches. The O.A. is accordingly dismissed. No costs.

B. Chatterjee

MEMBER (A)

R. J.
VICE CHAIRMAN

ALLAHABAD:DATED: 24.5.2002

HLS/-