

open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

original Application No. 758 of 1995

this the 30th day of July 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

Manohar Lal, Tailor, S/o Badri prasad, Tailor 'A' Pay No.  
T.No. 5772/L, Gang No. 124/A-4, B/s ordnance Parasuit  
Factory, Kanpur.

Applicant.

By Advocate : Sri S.R. Verma.

Versus.

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. General Manager, ordnance Parasuit Factory, Kanpur.
3. Incharge pensioner, Ordance Parasuit Factory, Kanpur.

Respondents.

By Advocate : Sri A. Mohiley.

O R D E R

By means of the impugned notice dated 13.3.1995, the applicant was informed that he would be retiring on superannuation w.e.f. 31.8.1995 and, therefore, he may submit pension papers, referred to therein, so that the case of the applicant for pensionary benefits be settled. The submission made by the learned counsel is that according to the educational certificate namely primary School Examination Certificate dated 6.7.1960 in which his date of birth was recorded as 20.12.1939, but the same was wrongly recorded as 9.8.1935 in the service book on the basis of which the applicant was served the notice impugned herein.

It is submitted by the learned counsel for the applicant that earlier the applicant had filed O.A. no. 273 of 1989 stating therein that due to his ignorance, his date of birth was wrongly recorded as 9.8.1935 and respondents be directed to correct the date of birth as per primary School Certificate. The aforesated O.A. was contested by the department inter alia on the allegation that since no date of birth was given by the applicant, a medical report was called for and 9.8.1935 was entered as his date of birth on the basis of the medical report. However, the Tribunal directed the respondents to hold an enquiry associating the applicant with the same and to correct the date of birth incase it was found that the certificate filed by the applicant was genuine as he had studied upto a particular class. Pursuant to the said judgment, the respondents constituted Board of Officers, which afforded opportunity to the applicant and submitted its report dated 1.10.1993 (Annexure CA-6 to the Counter) holding therein that the applicant had not produced any certificate of educational qualification at the time of his appointment, rather in the attestation form, his educational qualification was shown as 'Nil'. In this view of the matter, the Board of enquiry although held that the certificate of Primary School Examination issued by the Principal of Bena Jhawar School was ~~found to be~~ genuine, but his recorded date of birth cannot be changed and his case may be rejected. The report submitted by the Board of Officers was considered by the competent authority namely General Manager, who held that no convincing reason was given by the applicant as to why did he suppress the Primary School Examination Certificate and having regard to the fact that the applicant had not disclosed that he had passed Primary School Examination at the time of entry into service, ~~and accordingly~~ his request for change of recorded date of birth could not be acceded to. Accordingly, the applicant was informed vide letter dated 24.2.1994, a copy of which has been annexed

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as Annexure CA-4 to the Counter affidavit. The said order has attained ~~the~~ finality as the same is not the subject matter of impugnment in the present O.A. In the circumstances, no exception can be taken to the impugned superannuation notice.

2. In view of the above, the O.A. fails and is accordingly dismissed. Parties are directed to bear their own costs.

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VICE CHAIRMAN

GIRISH/-