

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 4th day of July, 2001.

Original Application No. 104 of 1999.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Girja Shanker Son of Sri Puttoo Lal,
Resident of Mohalla Khalil Katra,
Tahsil Tilhar, District-Shahjahanpur.

(Sri Narendra Mohan, Advocate)

. Applicant

Versus

1. Union of India, Ministry of Defence,
New Delhi through its Secretary.
2. General Manager, Government Ordnance
Clothing Factory, Shahjahanpur.

(Sri Amit Sthalekar, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant Sri Girja Shanker joined as a Tailor at Government Ordnance Clothing Factory, Shahjahanpur on 25-7-1951. At that time his service record was prepared mentioning his date of birth to be 24-7-1939. On the basis of this entry he was served with a certificate of service verification for pension fixing his superannuation on 31-7-1999. The applicant has a grievance that his date of birth has wrongly been entered in the service record as 24-7-1939 whereas his correct date of birth is 22-7-1943. In support of his contention the applicant mentioned that he represented right from the year 1963 to get his date of birth corrected but of no avail. The applicant has filed Annexure-A-2 as School Leaving Certificate wherein his date of birth is mentioned as 22-7-1943, He has also filed a copy of representation

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dated 12-3-1963 alongwith Supplementary Affidavit, which mentions that he filed marks sheet of VIIth Standard which contained~~ed~~ the date of birth according to which he was 18 years old in the year, 1951. The applicant has come up for a direction to correct his ^arecorded date of birth ^{as} 22-7-1943 in place of recorded date of birth i.e. 24-7-1939.

2. The respondents have contested the case, filed counter reply with the specific mention that the applicant has already retired on 31-7-1999 after having attained the age of superannuation. It has also been mentioned that at the time of appointment the applicant did not produce any educational certificate or other proof to show his date of birth and accordingly his date of birth has been recorded in service record as 22-7-1943 on the basis of medical report which has been ^{Verified} justified by the applicant by putting his signature thereon.

3. Annexure-CA-1 has been filed to show that at the time of appointment the applicant stated that he had no school ^Sleaving certificate and has signed in the ^{workman's} ~~personal~~ record of service. There is also specific denial that the applicant ever approached to get his date of birth corrected prior to application dated 22-10-1998.

4. Heard learned counsel for the parties and perused the record. The solitary evidence in support of his contention regarding date of birth is Annexure-A-2 which the applicant has filed as School Leaving Certificate. This document does not contain the name of issuing school and the copy filed with the OA has also not been certified as required under rule in this regard. It has also not been explained as to why this document was not produced at the time when his service record was being prepared ^{and} ~~when he~~ joined the service and what made him to state

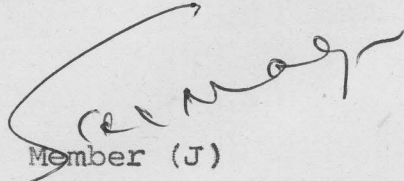
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at that time that he is not having any certificate and ^{those} that circumstances come in the way to give any finding on the basis of this documentary evidence. The other circumstance mentioned is that the applicant with reference to his earlier application dated 12-3-1963 has sought to get his date of birth corrected. There is specific denial from the side of the respondents that such a representation was ever received in the respondents' establishment. The copy of this application of 1963 has been brought on record through Supplementary Affidavit filed on 24-5-1999 and not alongwith the OA. The copy of this application also mentions that marks sheet of Class VII is being attached which contains his date of birth. On this count I find force in the contention of Sri Amit Sthalekar, counsel for the respondents, ^{class VII} that mark sheet does not contain the date of birth ^{move over the} and ~~then in the case of applicant~~ ^{The Copy of mark sheet} ~~It~~ should have been brought on record to have a judicial scrutiny.

5. Learned counsel for the respondents also placed reliance in the ratio given in Union of India Vs. C.Rama Swamy & Ors (1997) 4 SCC 647 wherein correction of the date of birth on the basis of Secondary School Leaving Certificate was not approved.

6. For the above, the move to get date of birth corrected appears to be an afterthought and there is no reliable evidence to uphold the contention of the applicant.

7. For the reason given above, the relief sought for cannot be granted. The OA is accordingly dismissed with no order as to costs.


Member (J)

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