

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of November, 2003.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

O.A. No. 732 of 2002

Jaddan Lal S/O Late Huddan alias Chedilal R/O Qr.No.7, Block 'B', Head Post Office Campus, Allahabad, presently posted as Group 'D' Sweeper, Allahabad H.O., Allahabad.

.....Applicant.

Counsel for applicant : Sri A. Tripathi & Sri B.Ram.

Versus

1. Union of India through its Secretary (Posts), Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Allahabad Region, Allahabad.
3. Senior Superintendent of Post Offices, Allahabad Division, Allahabad.
4. Senior Post Master, Allahabad H.O., Allahabad.

..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A., filed under section 19 of A.T. Act, 1985, applicant has sought quashing of the order dated 29.4.2002, 4.6.2002 and 7.6.2002. He has further sought a direction to Respondent No.4 to correct the date of birth of the applicant in his service record as 1.1.1947 and to permit him to continue in service till the age of superannuation on the basis of correct date of birth viz. 1.1.47.

2. It is submitted by the applicant that he belongs to Balmiki Community which is known as Scheduled Caste community. He did not get any education at any school and anyhow he could learn to put his signature in Hindi and does not know english language. In the year 1965, one vacancy of Sweeper arose in the office of Head Post Office,



Allahabad for which requisition was ^{given to R} ~~sponsored from~~ the Employment Exchange. The applicant's name was sponsored along with 16 or 17 other candidates. He appeared in the selection and he was given the appointment on the post of Sweeper in April/May 1965, after making necessary enquiry and verification about character and antecedents of the applicant.

3. It is further submitted by the applicant that the dealing assistant obtained his signature on blank pages of the Service Book but he was questioned about his date of birth and age etc. when he was informed that his age is 18 years. He was also assessed to be 18 years by the Incharge, Calvin Hospital, Allahabad.

4. It is submitted by the applicant that he worked to the entire satisfaction of the superiors but on 26.1.1969 his services were terminated w.e.f. 2.3.1970 (Annexure-4). However, subsequently he was taken back on duty and in the health certificate dated 10.6.1970, as per statement, is shown to be 21 years ^{but} as assessed by the Medical Officer, it is shown as 23 years (Annexure A-5 and A-6). It is submitted by the applicant that he ~~has~~ never shown the Service Book and as such, he did not know the date of birth recorded by the respondents in his service records. Service Book is annexed as Annexure A-7. It was only in the year 2000 when for the first time gradation list was issued (Page 41) wherein applicant's date of birth was shown to be as 1.7.42. When he came to know about it, he immediately gave representation on 24.10.2001 but since he did not get any response, he gave another representation on 19.4.2002 but his date of birth was not corrected nor his genuine claim was considered by the authorities. Ultimately retirement order was issued on 29.4.2002 (Page 25) whereby it was shown that he is due to retire on 30.6.2002. It is submitted by the applicant that the orders passed by the respondents are absolutely



non-speaking, therefore, they are liable to be quashed on this ground alone. It is further submitted by the applicant's counsel that applicant had requested the authorities to give him copies of Service Book as well as health certificate, issued to him in the year 1970 but the first page of the Service Book pertaining to the year 1965, was never issued to the applicant. Counsel for the applicant submitted that the respondents may be directed to produce the same in order to do justice to the applicant as his actual date of birth is 1.7.1947 and he would be due to retire in the year 2007 in case his date of birth is corrected.

5. Respondents, on the other hand, have opposed this O.A. by submitting that in the Service Book, applicant's date of birth has been shown to be 1.7.1942 which is duly signed and thumb impression has been affixed by the applicant himself. Therefore, it is wrong on the part of applicant to suggest that he was not aware about the recording of his date of birth as 1.7.1942. They have submitted that the applicant moved representation for the first time on 24.10.01 for correction of his date of birth while he was due to retire on 30.6.2002 and as per the instructions issued by Government of India, an employee should move the application for correction of his date of birth within five years from the date of joining service, which he did not do, therefore, this O.A. is liable to be dismissed on this ground alone. Counsel for the respondents has also relied on the judgment of Hon'ble Supreme Court to suggest that since applicant had made this request for correction of his date of birth at the fag end of his career, such request has rightly been rejected and ^{was not} ^{to be} even entertained by the respondents. They have also relied on Government of India, Ministry of Personnel & Training Office Memo No.19017/2/92.Estt.(A) dated 19.5.1993, which for ready reference reads as under :-

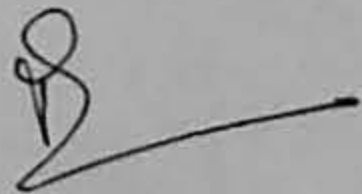


"Belated claims for alteration in date of Birth to be rejected."

Government policy regarding rejection of belated claim for alteration in date of birth is re-inforced by the Apex Court Judgments in two cases. It will not be appropriate to consider any request for alteration in date of birth if the conditions stipulated in para 3 above are not strictly fulfilled

6. Counsel for the respondents further submitted that descriptive roll was duly signed by the applicant and if the applicant had any doubt about his date of birth entered therein he ought to have put a query to the dealing assistant at that relevant time but all these years from 1965 onwards, applicant made no effort to ask as to what was his date of birth entered in the Service Book or descriptive roll. They have further submitted that descriptive roll is a most authentic document on the basis of which the date of birth of an employee is determined for all other purposes. Since in the said descriptive roll his date of birth is 1.7.1942, which is duly signed by the applicant himself, therefore, his request now to change his date of birth, cannot be acceded to.

7. I have heard both the counsel and perused the pleading as well. Perusal of Annexure A-7 shows that his date of birth was distinctively written as 1.7.1942 which ~~form~~ has duly been signed by the applicant by writing his name as Jaddan Lal. His name is written in a very neat handwriting and he does not appear to be illiterate ^{altogether} and in any case once a document is signed by an individual, he is supposed to be knowing the contents of the said document. The applicant cannot be heard of saying that his signatures were taken on a blank paper and that he could not understand the date of birth written on the said form. If it was a blank paper, it should not be signed and should be protested at that time unless he was shown as to what was being written on the said document. Even now applicant has not produced any document to substantiate his averment that the correct date of birth, as alleged by him, is 1.7.1947.



He has simply tried to say that at the time of initial appointment, his date of birth was assessed to be 1.7.1947, therefore, that should be taken as correct date of birth. I am afraid, we cannot stretch it too far nor can we go ⁱⁿ for holding ^{a wrong} an enquiry in the case, so long the descriptive roll is very much on record before us, which clearly shows that his date of birth recorded was 1.7.1942 in the year 1970 and that was duly signed by the applicant himself. The law is well settled by now by Hon'ble Supreme Court as it has been held by Supreme Court in JT 2001 SCC page 129 that change of date of birth at the far end of the career cannot be raised or entertained. Similarly in 1996 Vol.-II SLR page 16 it was held by Hon'ble Supreme Court that request for change of date of birth cannot be entertained where request was made after 25 years.

8. In view of the judgment given by Hon'ble Supreme Court I am satisfied that no case has been made out by the applicant for interference by this Tribunal. Therefore, the O.A. is dismissed.

No order as to costs.



J.M.

Asthana/