

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.**

ORIGINAL APPLICATION NO. 465 OF 2003

THIS THE 18th DAY OF May , 2007.

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Habib Khan, S/o late Wazir Khan, R/o House no. 165, Civil Lines, Malgodam Road, Bareilly.

.....Applicant.

By Advocate : Sri Neeraj Agrawal.

Versus.

1. Union of India through the General Manager, Northern Railway, Headquarters' office, Baroda House, New Delhi.
2. The Senior Divisional Personnel Officer, Northern Railway, Moradabad.
3. The Senior Divisional Commercial Manager, Northern Railway, Moradabad.
4. The Divisional Medical Officer, Northern Railway, Moradabad.
5. The Station Superintendent, Northern Railway, Bareilly.


..... Respondents

By Advocate : Sri A. Sthalekar.

ORDER

This application is filed seeking direction to the respondents to quash the impugned service certificate dated 30.9.2002 and prayed for other relief(s).

2. The brief facts of the case are that the applicant was employed with the respondents and thereafter he continued in



service. According to him, his date of birth is 3.9.1950, but subsequently he stated that because of the declaration made by him through the affidavit concerned are not of his genuine date of birth and his correct date of birth is 3.9.1942 and as such the same was recorded in the service record of the applicant. Having regard to the same, the applicant has produced other materials to show that some of the documents like identity card showing the date of birth as 3.9.1950. But on notice, the respondents have filed Counter Affidavit and stated that as per service record of the applicant, the certificate which he had produced and which is available on record goes to show that his date of birth is 3.9.1942. Based on that, the respondents have taken initiation for superannuation of the applicant and accordingly the applicant was relieved from service and in these circumstances the present O.A. has been filed seeking reinstatement in service and to quash the impugned order of superannuation.

3. I have heard the learned counsel for the parties and perused the pleadings and materials available on record. This case pertains to correction of the entries made in the service record regarding date of birth. It is revealed from the service record that the date of birth of the applicant is 3.9.1942 and not 3.9.1950 and on that basis the applicant was superannuated. The dispute with regard to date of birth cannot be agitated at the fag end of service career. However, having regard to the same in these circumstances the applicant has himself produced an affidavit which clarified the date of birth as 3.9.1942 and not 3.9.1950 and earlier also he had produced



some documents wherein his date of birth was shown as 3.9.1942. Having regard to the fact, the respondents have taken note and accordingly made the entries regarding the date of birth in the service record of the applicant as 3.9.1942 and he was superannuated from service based on the said entry in the service record. In these circumstances, whether the applicant's contention that his date of birth is 3.9.1950 can be said to be correct is the question. Having regard to the same, the applicant himself produced an affidavit wherein his date of birth has been shown as 3.9.1942 and the said date of birth has been recorded in the service record of the applicant and based on the said date of birth, the applicant was superannuated from service. However, having regard to these facts and submissions made, it reveals that the applicant is claiming date of birth as 3.9.1950 which was given by the applicant prior to the affidavit and that cannot be accepted because the date of birth given in the affidavit as 3.9.1942 has been recorded in the service record of the applicant.

4. Having regard to the entries made in the service record of the applicant, the applicant was superannuated from service. Further, the correction in the date of birth cannot be agitated at the fag end of his service career. Having regard to the entries made in the service record of the applicant and also at the fag end of his service career, it is not just and proper to accept the contention of the applicant.

5. In that view of the matter, the O.A. fails and is dismissed accordingly. No costs.


MEMBER-J