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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

this the 23rd day of August, 2007.

HON'BLE MR. P.K. CHATTERJI, MEMBER-A.

ORIGINAL APPLICATION NO. 126 OF 2006

Bhawani, S/o Savanlia, R/o Village Sekhupur,
Sagarpara, Pargana & District Dhaulpur (Rajasthan)
present address Singhal Basti Muraina, M.P. posted
as C & W Fitter II Ticket no. 109 N.C.R., Agra
.....Applicant

V E R S U S

1. Union of India through the General Manager,
Northern Central Railway, Allahabad
2. Divisional Railway Manager (Personnel), N.C.R.
Agra.
3. Senior Divisional Engineer (C& W), N.C.R. Agra
Cantt., Agra.

.....Respondents

Present for the Applicant: Sri Chandrika Prasad
Present for the Respondents: Sri A.K. Sinha

O R D E R

The dispute in this case relates to date of birth of the applicant. According to the respondents' records, the applicant's date of birth was 19.3.1946. He was initially recruited as Khalasi and in March, 2006 he retired as Technician Gr.III. The applicant was, however, aggrieved that he was made to retire much earlier than the due date, which according to him is August, 2007. His date of birth is 22.8.1947, therefore, he should retire in August, 2007. In support of his arguments, the learned

[Signature]

counsel has produced a copy of horoscope. He has also furnished a copy of the Medical Board dated 21.12.2005 (Annexure-3). According to the Medical certificate, his age is between 50-60 years. Therefore, the applicant argues, he would attain the age of 60 years only in the year 2007, but he was forcibly retired from service by the respondents on the basis of erroneous date of birth more than a year before from the due date.

2. During the course of arguments, the learned counsel for the applicant has also brought the certificate given by the Personnel Inspector under which he was working to the effect that no date of birth has been mentioned in the Bio-Data available with him. The said certificate is taken on record. By placing this document, the learned counsel for the applicant says that there was no mention about the date of birth of the applicant in the Bio-data, but, the respondents had made wrong entry in the service book and retired the applicant irregularly much before the due date.

3. The learned counsel for the respondents has contradicted the allegations made by the applicant. He has stated very clearly that the service book clearly indicates the date of birth of the applicant as 19.3.1946 and thumb impression of the applicant was also there. Therefore, the contention of the

M. S. Mehta

applicant that he was un-aware of the erroneous entry at this point is not accepted.

4. After hearing the matter at length, on 30.5.2007 the Tribunal directed the learned counsel for the respondents to bring the original service book of the applicant for perusal of the Tribunal. IN the same order, it was also noted that the learned counsel for the applicant had agreed that if the entries in the service book affirmed the date of birth as 19.3.1946, he will go by the same and not press the matter further. In pursuance of the directions of the Tribunal on that date, Sri Sinha has brought the original service book of the applicant and produced before me. I have perused the same and I am satisfied that the date of birth of the applicant is 19.3.1946. I have also satisfied that the thumb impression was also affixed at the relevant page of the service book.

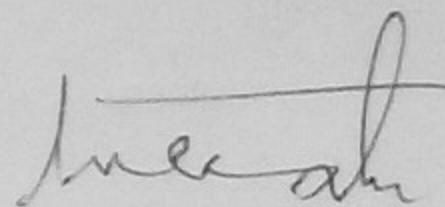
5. Regarding the contention of the applicant that the Medical Board which examined him in December, 2005 had recorded his age between 50-60 years. I am of the view that this does not help the Tribunal in any way in ascertaining the age. 10 years is long span of time. Therefore on the basis of this, how is it possible to pinpoint the correct date of birth. It is an absurd preposition to rely on the piece of evidence for a decision in the matter. Regarding other claim of the learned counsel for the applicant

M. Sinha

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that the report of Personnel Inspector also indicates that no date of birth was shown of the applicant in the Bio-data, I am of the view that production of Service book by Sri Sinha today clinches the matter fully leaving no-doubt whatsoever. When the service book, which is supposed to be most authentic document regarding service records of the official is available how can the certificate by the Personnel Inspector be taken as more important than the this evidence.

6. In view of the above, I am of the view that the O.A. has no merit and is accordingly dismissed. No costs.



MEMBER-A

GIRISH/-