

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

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Original Application No. 1105 of 2007

Tuesday, this the 03<sup>rd</sup> day of November, 2009

Hon'ble Mr. Ashok S. Karamadi, Member (J)

Smt. Bhuri wife of Leela Dhar, resident of Barwara, Majara Police Station Katghar, Moradabad at present working as Helper (Khalasi) Carriage and Wagon Office, Northern Eastern Railway, Pilibhit.

By Advocate: Sri R.B. Gaur

Applicant

Vs.

1. Union of India through General Manager, North East Railway, Gorakhpur.
2. Divisional Railway Manager, North East Railway, Izzat Nagar, Bareilly.
3. Divisional Railway Manager (P) NER, Izzat Nagar, Bareilly.
4. Divisional Mechanical Engineer (C&W), North Eastern Railway, Izzat Nagar, Bareilly.
5. Section Engineer (C&W), N.E. Railway, Pilibhit.

By Advocate: Sri P.N. Rai

Respondents

O R D E R

This application is filed seeking direction to the respondents for correction of her date of birth in the service record entered as 25.03.1947. The case of the applicant is that the date of birth, which was entered in the service record as 25.03.1947, is not correct, and her correct date of birth is 02.02.1956. Further it is stated by the applicant that she was appointed on 15.05.1993 in the respondents' department on compassionate ground, later on applicant made a request to the respondents' authorities vide

representation dated 02.02.2007 for correction of her date of birth.

As the respondents have failed to correct the same, the applicant filed O.A., which was decided by this Tribunal on 09.03.2007. In compliance of the Judgment of this Tribunal, the applicant filed a representation dated 19.03.2009, which was decided by the respondents on 29.03.2007, which is being impugned in the present O.A.

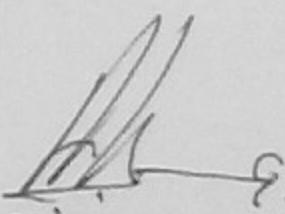
2. On notice, the respondents have filed the Counter Reply submitted that as per recorded date of birth in the service record, applicant's case was processed for retirement on 31.03.2007. It is further submitted that at the time of appointment on compassionate ground, the applicant submitted the certificate issued by the Pradhan of Gram Sabha, Babrala, District Moradabad showing her date of birth as 25.03.1947, and not as 02.02.1956 as claimed by the applicant. The respondents also submitted that applicant represented for change of her date of birth very belatedly, and prayed for dismissal of the O.A.

3. Heard the parties' counsel and perused the pleadings on record.

4. Learned counsel for the applicant states that applicant being illiterate lady, has no knowledge regarding the information to be furnished to the respondents' department in connection with her date of birth, and she has no knowledge that her date of birth has been wrongly entered in the service record. It is further submitted that as per the certificate issued by Pradhan of the Village her correct date of birth is 02.02.1956, and further submits that the

respondents' documents cannot be accepted. In view of the aforesaid submissions, learned counsel for the applicant further states that prayer of the applicant be granted.

5. At the outset, it can be said that applicant herself has given information along with Application form at the time of compassionate appointment that her date of birth is 25.03.1947. Based on the same, the respondents have acted upon and entered date of birth of the applicant in the service record and the same was continued. She was appointed on 15.05.1993. Having regard to the fact that the respondents also produced the documents in support of their contention that her date of birth is 25.03.1947. Looking to the facts and circumstances, it is not a case in which date of birth, as claimed by the applicant, can be rectified or modified. In number of decisions, it is held by the Hon'ble Supreme Court that the fag end of service career, the claim to change the date of birth cannot be entertained, even though she was appointed on 15.05.1993, the request for change of date of birth was made in the year 2007, which is after 14 years of joining the service. Having regard to the aforesaid discussions, this O.A. is dismissed.



[Ashok S. Karamadi]  
Member 'J'

/M.M/