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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1258 of 2007

Friday, this the **25th** day of **January**, 2008

Hon'ble Mr. K.S. Menon, Member (A)

Adan Singh, Aged about 56 years (15.01.1952), S/o Late Terasi, R/o Village Pura Ahiran, P.O. Bamrauli, District Allahabad.

Applicant

By Advocate Sri K.K. Mishra

Versus

1. Union of India, Through Secretary/Chairman, Central Excise & Customs Department, Ministry of Finance, New Delhi.
2. Chief Commissioner, Central Excise, Customs and Service Tax, Lucknow.
3. Commissioner, Central Excise, Customs and Service Tax, 38, M.G. Marg, Civil Lines, Allahabad.
4. Additional Commissioner (P&V), Central Excise, Customs and Service Tax, 38, M.G. Marg, Civil Lines, Allahabad.
5. Assistant Commissioner, Central Excise, Customs & Service Tax, Division-1, 24/28, Sarojni Naidu Marg, Allahabad.
6. Administrative Officer, Central Excise Customs and Service Tax, 24/28, Sarojni Naidu Marg, Allahabad.

Respondents

By Advocate Sri R.C. Shukla

ORDER

By K.S. Menon, Member (A)

This O.A. has been filed against the communication dated 03.12.2007 by which the applicant was instructed to complete his pension papers accepting his date of birth as 15.01.1948 in place of 15.01.1952.

2. The applicant's contention is that as per his High School certificate dated 08.07.1978 his date of birth has been shown as 15.01.1952. It is stated by the applicant that respondents themselves have shown his date of birth as 15.01.1952 in the seniority lists dated 01.01.1988 and 01.01.1991. Further in the order dated 20.04.1999 by which his services had been transferred to Customs Commissionerate,

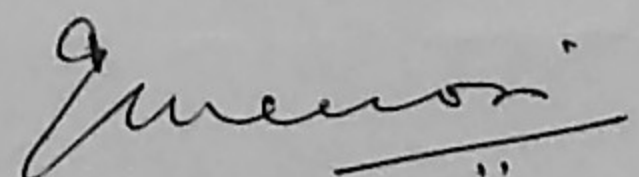
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(4)

Lucknow, the respondents had shown his date of birth as 15.01.192. On query the respondents' counsel states that this was a clerical mistake committed by the respondents and it continued to be committed ^{kill the time in} when the pension papers were being finalized. He states that this aspect is being duly reflected in his counter affidavit, which he is going to file.

3. In compliance with the Order of this Tribunal dated 04.01.2008, the respondents have produced the original Service Book for scrutiny by the Court. I have today scrutinized the Service Book. At page 10 of the Service Book all the particulars of the Government servant are entered and the date of birth both in words and figures has clearly been shown as 15.01.1948. These entries have also been attested by the applicant on 05.12.1972 when he joined service. On subsequent dates also there are attestations by the applicant in the Service Book, which indicate that he has accepted date of birth as 15.01.1948. It is also observed that since there was a doubt regarding date of birth, the applicant moved a representation to the Chief Commissioner, Customs and Central Excise, Lucknow who had referred the matter to Commissioner, Customs and Central Excise, ^{Allahabad in} Lucknow to verify the matter with reference to the document and submit a report. In compliance thereof the Joint Commissioner has submitted a report to the Additional Commissioner, Allahabad that there seems to be some discrepancy in the date of birth, as recorded in the Service Book.

4. In view of the above, I am of the view that the matter should be remitted to the Chief Commissioner, Customs and Central Excise, Lucknow-respondent No.2 to have this matter examined ^{d in} at his level with reference to the original documents i.e. Service Book, Personal File of the applicant and educational qualification submitted by the applicant, and pass a reasoned and speaking order in accordance with latest rules of Government of India in this matter and any other judicial pronouncements that may have been made, within a period of 1 month from the date of receipt of a copy of this order. The O.A. is accordingly disposed off. No cost.


Member (A)

/M.M./