

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABD BENCH : ALLAHABAD**

Original Application No.557 of 2007

Allahabad, this the 1st day of December, 2008

**Hon'ble Mr. Ashok S. Karamadi, Member-J**

Kripal Singh aged about 57 years, S/o Gajraj Singh, Adarshnagar  
Bidhuna, District Auraya.

...Applicant.

By Advocate: Shri K.S. Saxana

**Versus**

1. Union of India through Secretary of Ministry of Communication,  
Deptt. of Posts, Govt. of India, Sansad Marg, New Delhi.
2. The Post Master General, Agra Region, Agra.
3. The Superintendent Post Offices, Etawah Division, Etawah.
4. The Sub-Divisional Inspector, Post Offices, Dibyapur Sub-Division  
(Etawah).

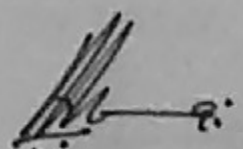
....Respondents.

By Advocate : Shri S.Singh

**ORDER**

This application is filed seeking quashing of the letter dated 6.10.2006, by which rejected the request of the applicant for change of date of birth.

2. The brief facts of the case are that the applicant was an employee of the respondents. In order to confer temporary status on the casual labourer, Sub Divisional Inspector Post Offices, Dibyapur required the Registration of the applicant from the Employment Exchange Etawah. The Employment Exchange recorded the date of birth of the applicant as 1.7.1947, purely on assessment basis without any documentary proof or without any medical examination by the Competent Medical Authority or without any affidavit from the applicant. The applicant is not a literate



person and could sign in Hindi only and he did not have any Educational qualification, therefore, he has not produced any School Certificate with regard to his date of birth as proof. Before conferring the temporary status of the applicant the Sub-Divisional Inspector Post Offices, Dibyapur Sub-Division sent the applicant for medical examination as per rules to the Chief Medical Officer, Etawah for certifying the age of the applicant as well as his physical fitness for Government service, vide letter dated 21.9.1991. The applicant was examined on 25.9.1991 and determining the age of the applicant as 41 years, and the Medical Certificate was issued dated 25.9.1991, on the basis of the Medical Officer's Certificate that the respondents conferred temporary status of the applicant on 28.9.1991. The appointing authority of the applicant has recently raised a controversy with regard to the age of the applicant and raised objection on the genuine Medical Certificate dated 25.9.1991, the respondents rejected the Medical Certificate and relied on the age as indicated in the Registration documents sent by the Employment Exchange Office Etawah as the date of birth is 1.7.1947 without any supporting documents proof of the same against this OA is filed for the relief.

3. On notice the respondents have filed the counter affidavit and stated that the applicant was engaged as contingency paid Chaukidar Bidhuna Sub Office on 14.4.1981 and later on the applicant was granted temporary status w.e.f. 1.5.1991. The applicant has produced a Registration Card issued from the Employment Exchange, Etawah which contains Registration No.8451/82 dated 03.11.1982 in which his date of birth has been shown as 1947. While granting the temporary status as per Scheme to casual labourers, some information was called for from the Sub Post Master Bidhuna and he submitted the information by letter



dated 27.5.1991, based on that report, the date of birth of the applicant has been shown as 1947 and determining as 1.7.1947 and recorded in the service documents of the applicant of the same. The Chief Medical Officer, Etawah was requested to examine the applicant and he furnished his opinion regarding his health and age as required under Rule 49 of the Civil Services Regulation, by a certificate dated 25.9.1991. The applicant's age has been shown as 41 years approximately and the Employment Exchange Card being old produced at the time of his engagement, therefore, found justified as 1.7.1947 and accordingly, the applicant was retired on 30.06.2007 after attaining the age of superannuation i.e. 60 years, based on this contention prayed for dismissal of the OA.

4. The applicant has filed rejoinder affidavit reiterating the same contentions and sought for the relief.

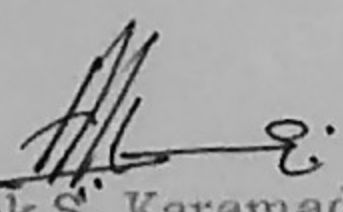
5. I have heard the learned counsel for the parties and perused the pleadings and material on record.

6. The request of the applicant for change of date of birth in his service records can be accepted or not. Admittedly, the applicant is an employee of the respondents and appointed initially as casual labourer as the applicant has produced a Registration Card issued from the Employment Exchange bearing No.8451/82 dated 3.11.1982 in which his date of birth was shown as 1947, the said document is produced by the respondents as Annexure-A-1. Based on that the respondents have decided the age of the applicant as 1.7.1947, but on the contrary the learned counsel for the applicant submits that the said entry which was recorded by the respondents regarding the date of birth of the applicant does not have any proof with regard to the entry in the Employment

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Exchange and also by the respondents while determining the same and as such the certificate issued by the Chief Medical Officer who examined the applicant and issued the certificate and stated that the applicant's age is about 41 years on the date of examination on 25.9.1991. It is the correct one and the respondents have acted upon on the basis of the said certificate while determining the date of birth of the applicant. This contention of the applicant cannot be accepted. Having regard to the fact that the applicant himself has produced the Registration Card issued from the Employment Exchange, in which his date of birth was shown as 1947 that being so, the applicant cannot come forward with the case on the Medical Certificate issued by the Chief Medical Officer and contend that the same is not correct one, at the fag end of his service. In view of this, the applicant has not made out a case for grant of the relief prayed, accepting the contention of the respondents the following orders is passed.

7. The OA is dismissed. No costs.

  
(Ashok S. Karamadi)  
Member (J)

RKM/