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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ORIGINAL APPLICATION NO. 665 OF 2007

ALLAHABAD THIS THE 04th DAY OF MARCH, 2008

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

Kashi Ram, Aged about 59 years, S/o late Hukum Chand, R/o
RB-1, 712 B Rani Luxmi Nagar, Railway Colony, Jhansi.

.....Applicant

By Advocate: Sri T.S. Pandey

V E R S U S

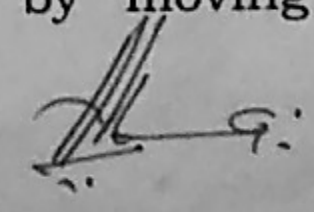
1. Union of India through the G.M. N.C.R., Allahabad.
2. D.R.M. N.C.R., Jhansi Division, Jhansi.
3. Sr. Divisional Engineer, North Central Railway, Jhansi
Division, Jhansi.

.....Respondents

By Advocate: Sri. S.K. Chaturvedi.

ORDER

This O.A. is filed seeking direction to the respondents to make necessary correction in the date of birth of the applicant. According to the applicant, his date of birth is 11.9.1948, whereas the date of birth recorded in the service record of the applicant as 11.9.1945, which according to the applicant is not correct. The applicant states that he is illiterate person and further there is mentioned in the column of date of birth as 11.9.1945 has been recorded, whereas the correct date of birth of the applicant is 11.9.1948 and, therefore, requested for change of the date of birth of the applicant by moving



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representation to the respondent no.2 with the prayer to correct his date of birth as 11.9.1948. Having regard to the same as the respondents failed to decide the representation of the applicant for correction of his date of birth, he filed O.A. no. 1163 of 2005 before this Tribunal. The said O.A. was disposed of by giving direction to the respondents to pass appropriate orders on taking into consideration of School Leaving certificate of the applicant. After remand, the respondents have passed the impugned order on verification of the information given by the applicant alongwith other information collected by the respondents. By the impugned order dated 13.4.2007, the respondent have rejected the claim of the applicant for correction in date of birth. Being aggrieved, the present O.A. has been filed.

2. On notice, the respondents have filed Counter Affidavit contending the case of the applicant for change in date of birth cannot be accepted having regard to the fact that the applicant had joined the service on 6.7.1979. All along his service, the applicant has not made any prayer for correction in date of birth. On the contrary, the date of birth recorded in the service record is 11.9.1945 and not as claimed as 11.9.1948. In the representation, he has mentioned his date of birth as 11.9.1954 instead of 11.9.1948 as claimed by the applicant. On verification of record and from School leaving certificate which he had filed the date of birth as mentioned in the representation did not tally with that of the applicant claimed, but having regard to the fact that the applicant had rendered more than two decades and at the fag end of his service career, he claims

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his date of birth to be corrected as 11.9.1948. The request of the applicant was rejected by the respondents in accordance with law on taking into consideration the circumstances over all which are available on record and have sought for dismissal of the O.A.

3. I have heard the learned counsel for the applicant and respondents and have gone through the pleadings available on record. It is the case of the applicant that his date of birth, which is mentioned in his service record as 11.9.1945 is not supported by any document as the applicant is an illiterate person. In the absence of proper knowledge with regard to information furnished during the time of his appointment, the same cannot be accepted as subsequently the applicant found that his date of birth has wrongly been recorded in his service record as 11.9.1945, therefore, on verification the truth had come and then he sought for necessary correction in the service record of the department for correction of his date of birth. As the applicant is an illiterate person and belonged to lower cadre, therefore, he was unable to access for the service records. Hence, the request is made for the change in date of birth. In that view of the matter, the request of the applicant for correction in date of birth was belated and as such the respondents have rejected the same by saying that the request for change in date of birth cannot be accepted at this belated stage having regard to the fact that the applicant has entered into service on 6.7.1979. The respondents have taken into consideration all the materials available on record and particularly service record wherein the date of birth was



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recorded as 11.9.1945. However, on appeal it is stated from School Leaving certificate as they found that the date of birth has not changed. Even otherwise, no claim is entertained at the fag end of the service career. Having regard to the fact that in view of catena of decisions rendered by the Hon'ble Supreme Court wherein it is held that the request for change in the date of birth in the service record at the fag end of service career cannot be entertained. Having regard to the same, the reasons given in the impugned orders are sufficient in nature. In view of the preceding paragraphs, the grounds urged by the applicant cannot have the merits.

4. In view of the foregoing discussion, I find no merit in the O.A., which is accordingly dismissed. No costs.



MEMBER-J

GIRISH/-