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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 469 OF 1988
~~To A.O. No.~~

DATE OF DECISION 30/06/1988

Bholanath J. Mankad Petitioner

Shri M.B. Buch Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi : Vice Chairman

The Hon'ble Mr. P.M. Joshi : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether it needs to be circulated to other Benches of the Tribunal. No

(2)

1. Bholanath J. Mankad,
8, Anand Colony,
Jamnagar.

.....Applicant

(Advocate : M.B.Buch)

Versus

1. Union of India,
through The Secretary,
Ministry of Railways,
Central Secretariat,
New Delhi.
2. General Manager,
Western Railways,
Church Gate,
Bombay.
3. Divisional Railways Manager,
Western Railway,
Rajkot.

.....Respondent

(Advocate : Shri B.R.Kyada)

O.A./469/88

O R A L - O R D E R

30/06/1988

Per : Hon'ble Mr. P.M. Joshi : Judicial Member

In this matter, the petitioner Shri Bholanath J. Mankad of Jamnager, by way of second round of litigation has challenged the validity of the orders dt. 17.5.1988 (Annexure A-7) (P.B.24) passed by the Chief Personnel Officer, whereby the petitioner's request for change in the date of birth, has been rejected. According to the case set up by the petitioner, his correct date of birth is 21.2.1932 on the basis of the school leaving certificate and his date of birth i.e. 14.10.1928 has been wrongly recorded in the service sheet. It is alleged by the

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(A)

petitioner, that the competent authority has not properly appreciated the position of the service sheet and the school leaving certificate relied upon by him. He has therefore, prayed that the impugned order be set aside and he should be given all the benefits including reinstatement on the basis of his correct date of birth 21.2.1932.

2. Mr.B.R.Kyada, the learned counsel for the respondent has opposed the admission of the application on the grounds inter-alia that the competent authority by its speaking order has adverted to the relevant issues including the school leaving certificate relied upon by the petitioner and there is no procedural or jurisdictional error made by the competent authority. MR. M.B. Buch, the learned counsel for the applicant strenuously urged that even though the school leaving certificate may not be relied upon but an identity card issued in the year 1971 can be regarded as the basis for correcting the petitioner's date of birth.

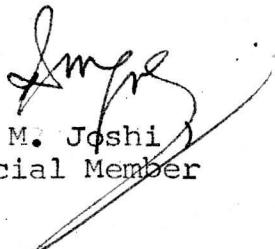
3. It is pertinent to note that the present petitioner made his representation on 17-4-1964 wherein ~~he~~^{he} claimed that his date of birth is 14.11.1931. His representation was rejected and he was informed accordingly on 13.4.1964. Thereafter again he made second representation vide letter dated 1.3.1981 (Annex -A-3) (P.B.13) wherein he reiterated that his correct date of birth is 14.11.1931 and that too on the basis of school leaving certificate. However, the petitioner in his third representation which was made on 12-4-1986, he changed his stand by stating that his correct date of birth is 21.2.1932. The stand taken by the petitioner at different stage is quite conflicting and contradictory. The competent authority therefore,

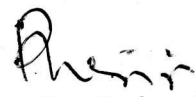
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has rightly concluded that no evidentiary value could be attached to the school leaving certificate, now relied upon by the petitioner. The competent authority has adverted to all the relevant issues in the matter of the petitioner's plea for altering the date of birth. Mr. Buch submitted that if his date of birth is not allowed to be corrected as 21.2.1932, atleast the one i.e. 14.10.1931 shown in the identity card should be regarded as the basis and ought to have been corrected. The identity card cannot be considered as an authentic document in the matters of date of birth, under the rules.

For the reasons stated above, we do not find any merit in the present application and accordingly rejected at the stage of admission.


(P. M. Joshi)
Judicial Member


(P. H. Trivedi)
Vice Chairman

*Mogera