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CAT/J/13

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 20/92.
~~T.A.NO.~~

DATE OF DECISION 09-07-1996.

Shri Bachubha G.Rana Petitioner

Mr.G.A.Pandit. Advocate for the Petitioner [s]
Versus

Union of India and ors. Respondent

Mr.R.M.Vin Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. K.Ramamoorthy : Member (A)

The Hon'ble Mr.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

No

Shri Bachubha G.Rana
SPA Grade II ND,
Western Railway,
Chuda, Bhavnagar Div.,
Bhavnagar.

...Applicant.

(Advocate : Mr.G.A.Pandit)

Versus

1. Union of India, through
General Manager,
Western Railway,
Churchgate,
Bombay - 20.
2. Divisional Railway Manager,
Western Railway,
Divisional Office,
Bhavnagar Division,
Bhavnagar.
3. S.E.F.,
Western Railway,
Botad.

...Respondents.

(Advocate : Mr.R.M.Vin)

J U D G M E N T

O.A.NO. 20 OF 1992.

Date : 09-07-1996.

Per : Hon'ble Mr.K.Ramamoorthy : Member (A)

The present application relates to a question of alteration in the date of birth. According to the applicant his actual date of birth was 8.2.1935. However, it had been recorded wrongly as 21.1.1933, which has resulted in the retirement of the applicant, two years prior to his actual year of superannuation. It is the contention of the applicant that he has produced the birth certificate as given by the school, (Annexure-A/1). At the time of his

entry into service, the birth date also has been recorded in his Identity Card. Thereafter, when he received a letter from respondent No.3 on 30.3.1990, impending superannuation in 1991, he had made the further application. In spite of this, applicant has been retired on 31.1.1991.

In their written statement the respondents have contended that the applicant had not produced any school leaving certificate at the time of entry and therefore, the date of birth had been recorded as per medical examination. The year of birth was also shown as 1933 only in the Identity Card. It is the contention of the respondents that there has been a later tampering in the Identity Card, in the copy furnished along with the applicant which is apparent from the copy itself.

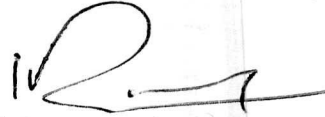
In such cases, the Railway Board specifically issued a circular (as at Annexure-R/4), whereby every Railway employee who was in employment on 31.12.1971, had been given opportunity to represent against wrongly recorded date of birth upto 31.7.1973, and no such representation has been received from the applicant. It is now an established law that representation received for change in the date of birth at the far end of one's career should not deserve any consideration.

The counsel for the applicant Shri Pavankumar was present. He strenuously argued that the applicant in this case was a semi-literate person who had come to know of his impending retirement in 1991, only in 1990. Hence, he could not make any representation early as he was under the bonafide impression that the year of birth

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recorded in his Indentity Card was 1935. On perusal ~~of~~ of the Identity Card, it is seen that there has been an over writing in respect of the entry regarding date of birth. There is also substantial merit in the argument of the respondent-department that representations received towards the very far end of one's career specially when all the Railway employees had been given an opportunity to represent against the wrongly recorded date of birth ^{did not deserve consideration} The applicant has not shown any evidence regarding any such representation by that date. The law in this regard has been reported by the Apex Court in the case of Union of India Versus Ramseva Sharma delivered on 15.2.1996 S.C.C. (L&S) 605, ^{when} the Supreme Court has held that claim for correction of recorded date of birth made 25 long years after ~~doing~~ service is held ~~perse~~ ^{alleged} and attracts laches and delay clause.

In view of the above reasoning the application is ~~xxx~~ considered to be devoid of merit and is rejected. In the particular circumstances of the case, there will be however, no order as to costs.


(K. Ramamoorthy)
Member (A)

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