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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 281 OF 1987.

Date of decision ... December 17, 1987.

Panchu Gopal Sen, son of late Sudam Chandra Sen,
Village- Suelpur, P.O.Motiganj, Dist- Balasore.

... Applicant.

Versus

1. Union of India,
represented by the Postmaster General,
Orissa Circle, Bhubaneswar- 751 001.
2. Superintendent of Post Offices,
Balasore Division, Balasore- 756 001.

... Respondents.

M/s P.V.Ramdas & B.K.Panda,
Advocates ... For Applicant.

Mr. Tahali Dalai, Addl.Standing
Counsel (Central) ... For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether the reporters of local papers may be allowed to see the judgment ? Yes .
2. To be referred to the reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for correction of his date of birth.

2. Succinctly stated, the case of the applicant is that he was appointed as an Assistant in the Postal Department and retired on superannuation on 29th February 1984. According to the applicant, his date of birth is 19.12.1926 and in consequence thereof the applicant should have been made to retire on superannuation on 31st December 1984. The grievance of the applicant is that his retirement on superannuation ten months before the due date should not be accepted and necessary redress should be given to him which has also adversely affected his pensionary benefits.

3. In their counter, the respondents maintained that the applicant having signed the Service Book on which the date of birth of the applicant has been incorporated as 19.2.1926, it is no longer open to the applicant to challenge such an entry and claim that his date of birth is 19.12.1926.

4. We have heard Mr. P.V.Ramdas, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents at some length. Mr. P.V.Ramdas filed before us the gradation list of the Postal Department and Railway Mail Service Staff in Orissa Circle as corrected upto 1.4.1959. At page 51 against entry 336 the name of Sri Panchu Gopal Sen (the present applicant) has been mentioned and against

column 2 meant for date of birth, it is mentioned '19.12.1926'. Add. to all this, the undisputed position is that in the Matriculation Certificate the date of birth of the applicant has been recorded as 19.12.1926. We find from the counter and from the annexures filed on behalf of the applicant that the applicant had also forwarded his Matriculation Certificate in original to the competent authority who have taken notice of the fact that the applicant's date of birth recorded in the Matriculation Certificate is 19.12.1926. Law is well settled in a plethora of judicial pronouncement that the date of birth recorded in the Matriculation Certificate should be taken as the correct date of birth of a particular person. Rightly and fairly this settled position of law was not disputed at the Bar. The Addl. only objection raised by Mr. Dalai, learned/ Standing Counsel is that the applicant did not come up at the right moment to ventilate his grievance and get the date of birth corrected. We are in complete agreement with Mr. Dalai that the applicant should have arisen from slumber much prior to the date of his representation but the fact that the date of birth of the applicant recorded as 19.12.1926 in the gradation list of 1959 and the entry in the Matriculation Certificate heavily weighs with us and therefore we feel that the entry made in the service book was inadvertently made especially because the digit 'one' required to be written before the digit '2' has probably slipped out of the pen and we think that the correct date of birth of the applicant should be 19.12.1926. The entry made in the Matriculation Certificate that the date of birth is 19.12.1926 also stands corroborated by the entry in the xerox copy of the School Leaving Certificate which has been issued by the Headmaster, Balasore Zilla High School on

19.8.1987. Against serial No. 5 the date of birth of the applicant has been recorded as 19.12.1926. Hence we hereby give a declaration to the applicant that his date of birth is 19.12.1926 and accordingly he should have served the Department till 31.12.1984. The applicant having been already superannuated in February 1984, he should be deemed to be continuing in service from 1.3.1984 and he should be deemed to have retired on superannuation on 31.12.1984. Hence he is entitled to the arrear emoluments from March 1984 till December 1984 and the emoluments to which he is entitled to according to rules should be paid to him within three months from the date of receipt of a copy of this judgment. Consequently the retirement benefits should be accordingly recalculated and the arrears thereof should be paid to him within the time mentioned above .

5. Thus, the application is allowed leaving the parties to bear their own costs .

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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

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Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench.
December 17, 1987/Roy SPA.