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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 670 of 2003
Cuttack, this the 5th day of November, 2004

Sri Nabin Narayan Sahu. Applicant.
-Versus-
Union of India & Ors. Respondents.

For instructions

1. Whether it be referred to the reporters or not? *Yes.*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *No.*

Manoranjan Mohanty
(Manoranjan Mohanty)
Member (Judicial) 05/11/04

Central Administrative Tribunal
Cuttack Bench, Cuttack,

Original Application No. 670 of 2003
Cuttack, this the 5th day of November, 2004

C O R A M:

THE HONOURABLE MR. M. R. MOHANTY, MEMBER (JUDL.).

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Sri Nabin Narayan Sahu,
Aged about 55 years,
S/o. Late Jayadev Sahu,
At/Po: Kolabira,
Dist. Jharsuguda,
at present working as SPM,
Kolabira Sub Post Office,
Jharsuguda.

Applicant.

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By legal practitioners: Mr. D. P. Dhalsamant, Advocate.

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1. Union of India represented through its
Director General of Posts, Govt. of India,
Ministry of Communications, Department of
Posts, Dak Tar Bhawan, New Delhi.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar.
3. Superintendent of Post Offices,
Sambalpur Division, Sambalpur-1.
4. S.D.I.P., Kuchinda Sub Division,
Kuchinda, Sambalpur.

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Respondents.

By legal practitioner: Mr. U. B. Mohapatra,
Senior Standing Counsel.

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant claiming for correction/change of his date of birth (from 02-11-1943 to 02-11-1948) has filed this Original Application (under section 19 of the Administrative Tribunals Act, 1985) after his retirement on 30-11-2003. His case is that, as per the Transfer Certificate issued by the Headmaster of Panchayat Samiti High School at Kolabira and the Matriculation Certificate issued by Orissa Board of Secondary Education, his date of birth is 02-11-1948 and basing on his said actual date of birth (i.e. 02-11-1948) he started serving the Extra Departmental Organisation (of the Postal Department) as an E.D.D.A. in the year 1969 and, as per the Rules, he was considered and taken to a Gr.D post (in the regular establishment of Postal Department) on 10-04-1980 and, thereafter, by virtue of his positive merit and performances, he was promoted to the postman cadre on 25-06-1984 and thereafter, to the Postal Assistant cadre on 13-3-1985 and finally, retired from Govt. of India services on 30-11-2003. After getting the retirement notice, he made a representation for changing the wrong entry (of his date of birth) in the

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service record.No heed having been paid thereto, he has approached this Tribunal in the present case.

2. Respondents, by filing a counter, have submitted that since (as per the service record/ first page of the service book) the Applicant's date of birth is 02-11-1943, he was rightly asked to go on retirement on 02-11-2003. It has been clarified by the Respondents that the recording of date of birth and educational qualification in the service book has also been duly endorsed by the Applicant on 28-05-1982 and the same was also countersigned by the Postmaster of Jharsuguda. Therefore, the Applicant being aware of wrong noting of the date of his birth, he should have well agitated the matter for change/correction of the same at that relevant point of time. But he did not raise any objection with regard to the same and that, only after his retirement from service, he made a representation claiming for change of his date of birth as recorded in the service-sheet and, therefore, such belated claim for change/correction of date of birth is not permissible and that as a result, this Original Application is liable to be dismissed.

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3. Upon hearing the parties, it is seen that the Applicant has duly endorsed in the Service book which was counter signed by the Postmaster of Jharsuguda. It has also been admitted by the Applicant that once upon a time he was aware of such wrong entry in the service sheet/record, when gradation list was circulated. But what prevented him for not making any representation in writing has not been explained. From this, it is presumed that he was satisfied with the recording of his date of birth as 02-11-1943.

4. Apart from that, law is well settled (in the case of HARNAM SINGH VRS. UNION OF INDIA & ORS., reported in 1993 (24) ATC 92) that stale claims and belated applications for alteration of date of birth (recorded in the Service book at the time of entry into service) should not be entertained. As per his own admission, the Applicant made his request for change of date of birth, only for the first time, after his retirement and, therefore, the decisions of the Hon'ble Supreme Court is squarely applicable to the case of the Applicant.

5. In the above said premises, in absence of any merit, this O.A. is hereby dismissed. No costs.

Manoranjan Mohanty
(MANORANJAN MOHANTY)

Member (Judl.) 05/11/2004