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O.A. No.112/2006

ORDER DATED 7<sup>th</sup> APRIL, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (Judl.)

The Applicant approached this Tribunal with a prayer to have a direction to the Respondents to correct his date of birth in the service records as on 11.08.1947 instead of 10.04.1933. To support his case the Applicant relies on an exparte decree of Civil Court received from Civil Judge (Jr. Division) Pattamundai.

2. The Applicant entered in the service on 17.09.1965 and after completing about 34 years of service he retired from the service on 17.07.1998. The Applicant had filed application for correction of his date of birth only on 22.06.1998 that means prior to hardly a month from his retirement.

3. Heard both the Counsel appearing for either side. It is the contentions of the Ld. Counsel for the Applicant that as the Civil Court declared his date of birth as 11.08.1947 instead of 10.04.1933, it is the duty on the part of the Respondents to make necessary correction in the service records of the Applicant. At the same time the Ld. Counsel appearing for the Respondents had submitted that as per the Rules and law exist in the field if a Govt. servant wants to

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make correction of the date of birth in the service record he should apply at least within 05 years prior to his retirement, that apart the School records of the Applicant relies has no authenticity to accept the same and hence according to the Ld. Counsel for the Respondents the Application has to be dismissed.

4. This Tribunal had considered the contentions of the Counsels and had perused the rules relating to the correction of date of birth in the service records. Admittedly the applicant had 34 years of service in his service career and till June, 1998 he did not take any step to make correction in the records. Apart from that the exparte decree of the Civil Court was also challenged in the Court. Against the exparte decree of Civil Court, the petition for setting aside for the same has already been filed and in the above circumstances this Original Application is meritless and hence dismissed with no order as to cost.

Kaplan  
MEMBER (Judl.)