

In the Central Administrative Tribunal  
Calcutta Bench

OA No.1306 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Smt. Mamata Das

.... Applicant

- VS -

- 1) Union of India, service through General Manager, S.E. Rly., Cal-43.
- 2) General Manager, S.E. Rly, Cal-43.
- 3) Chief Personnel Officer, S.E. Rly., GRC, Cal-43.
- 4) Divisional Railway Manager, S.E.Rly., Kharagpur.
- 5) Assistant Engineer, S.E. Rly., GRC, Cal-43.
- 6) Sr. Divisional Personnel Officer, S.E.Rly., Kharagpur.

.... Respondents

For the Applicant : None

For the Respondents: Mr. P. Chatterjee, Advocate

Heard on : 18-12-1998

Date of Judgement : 18-12-98

ORDER

Id. Advocate Mr. B.C. Sinha for the applicant is not found on repeated calls. So, case is taken up for hearing. Id. Advocate Mr. Chatterjee appears on behalf of the respondents.

2. I have gone through the records and found that the case may be disposed of (after perusal of relevant records) for the interest of justice. .....

Contd.....

3. The applicant has sought for correction of her date of birth recorded in her service book when she entered into the service on compassionate ground on 5.4.93. According to the applicant, at the time of entering into the service, her father made affidavit in support of her date of birth that her date of birth was 28.9.56. Subsequently, the applicant submitted another affidavit sworn by her father affirming that the correct date of birth of the applicant is 28.9.66 as per voter list. So, according to the applicant, as per voter list, her date of birth would be 28.9.66 in place of 28.9.56. According to the applicant, she made representation to the concerned authority along with the affidavit dated 13.10.96 and the documents i.e. voter list and certificate from the Kola II Gram Panchayat Kolaghat, Midnapore with the prayer for correcting/altering her date of birth from 28.9.56 to 28.9.66. But respondents did not accept her representation and rejected the prayer of correction/alteration of her date of birth vide letter dated 7.7.97. Having been aggrieved by the said order dated 7.7.97 applicant approached this Tribunal.

4. Ld. Advocate Mr. Chatterjee appears on behalf of the respondents and relies on a judgement reported in SCC 1997 Vol. IV page 647 (Union of India - Versus - C.Rama Swamy and Ors.). The dispute regarding correction of date of birth is no-longer res-integra on the basis of said judgements passed by the Hon'ble Appex Court. Prayer for correction of date of birth must be based on basic documents to show that earlier record as made in the service book of the concerned employee was inadvertently made by accidental mistake. It is admitted fact by the applicant that earlier date of birth as on 28.9.56 has been recorded on the basis of the affidavit given by her father at the time of entering into the service. Subsequently, her father came with another affidavit altering the earlier affidavit that earlier affidavit was wrong due to typographical mistake.

5. On a perusal of the earlier affidavit sworn by the father of the applicant I find no typographical mistake in the affidavit and it is clear and it suffers from no ambiguity. Applicant relies on the voter

list but it appears that the voter list has been published after two years from the date of entering into service and the certificate issued by the Gram Panchayat on 20.5.97 is based on horoscope. So, applicant totally failed to produce any document in support of her date of birth prior to entering into service. In view of the aforesaid circumstances, I find that applicant has come with fictitious claim basing on some records which were collected subsequently for the purpose of this case. In view of the aforesaid circumstances, application is devoid of merit. Hence, it is dismissed awarding no cost.

*11-5-1998*  
( B. Purkayastha )  
Member (J)