

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 548 of 2006

Wednesday, this the 14th day of March, 2007

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

V. Premakumari,
Lower Division Clerk,
Office of the Director of Accounts (Postal),
Thiruvananthapuram (Residing at 'Premkrishna'.
T.C. 14/1061, Vazhuthakad, Thiruvananthapuram) ... Applicant.

(By Advocate Mr. Karthikeya Panicker)

versus

1. Union of India, represented by
The Secretary, Department of Posts,
New Delhi.
2. The Director,
Office of the Director of Accounts (Postal),
G.P.O. Complex, Thiruvananthapuram.
3. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram ... Respondents.

(By Advocate Mr. T.P.M. Ibrahim Khan)

The Original Application having been heard on 18.01.07, this
Tribunal on 14.03.07 delivered the following:

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

Facts as contained in the O.A. are as under :-

(a) The applicant was appointed on compassionate ground as

[Signature]

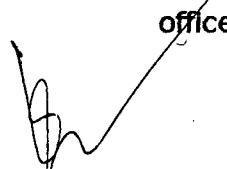
Lower Division Clerk in 1990. A mistake was crept in her S.S.L.C. book that while the original date of birth is 29.5.1951, in her S.S.L.C. book it was wrongly stated as 29.05.1947. Within one year of her date of entry in service, she applied for change of date of birth in the service book vide A/3 letter dated 28.08.91. Her application was received and an endorsement was made on the copy of the representation. At the time of making the representation, the applicant was not having the birth certificate from the Registrar of Birth and Death showing her correct date of birth. So, in her representation itself she had stated that certificate in proof of date of birth would be produced on receipt of it from the Registrar of Birth and Death. Immediately on receipt of birth certificate (Annexure A/4) in April, 2004, she produced the certificate before the respondent alongwith representation dated 15.09.04 (Annexure A/5). Her request was rejected on the ground that for change of date of birth she ought to have applied within five years. She again represented her grievance before the respondents and she received a communication from the Chief Postmaster General admitting that her application dated 26.8.1991 for change of date of birth was received in the office. But her request cannot be granted as at the time of filling the application, it was not supported by any certificate for proof of age. Being aggrieved by the same, this Original Application is filed.

2. The respondents have contested the O.A. In the following words :

(a) At the time of joining, the applicant had produced the SSLC book for verification of her date of birth. The date of birth of the applicant was 29.05.1947 and hence in all the service records such as Service Book, Gradation List etc., the date of birth of the official is noted as 29.5.1947.

(b) The applicant submitted a representation to the second respondent on 15.09.2004 stating that her actual date of birth is 29.5.1951 and not 29.5.1947. She also produced her birth certificate from the Registrar of Birth and Deaths, Thiruvananthapuram Corporation. Her representation dated 15.9.2004 was rejected by the 2nd respondent stating that as per note 6 below FR 56, the request for correction of date of birth has to be made by an official within 5 years of entry into service.

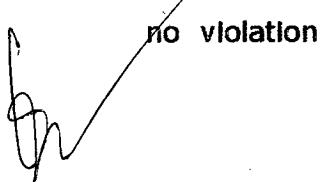
(c) The applicant submitted another representation on 18.11.2004, stating that she had submitted one representation in this regard as early as on 28.08.1991 alongwith a copy of the same. She was given a reply by the 2nd respondent that the representation dated 28.8.1991 had not been received at the office of the 2nd respondent and hence her request cannot be

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accepted. The applicant again submitted another application on 12.1.2005 to the 2nd respondent and subsequently to the 3rd respondent. These representations were rejected on the ground of belated submission.

(d) The averment that she had submitted a representation on 28.8.1991 requesting a change in her date of birth is not true to facts and hence denied. Had it been so, it is not known why the applicant remained silent till 15.09.2004 for reminding the concerned Section for the requisite action. The third para of the representation received at the office of the 2nd respondent is seen deleted in Annexure A5 produced alongwith this OA. This may be seen as a deliberate attempt to mislead this Tribunal and to conceal the true facts.

(e) Hon'ble Supreme Court of India has held in its recent judgement dated 19.7.2006 in State of Gujarat and Others vs. Valli Mohamed Dosabhai Sindhi that rule clearly provides that the request made for alteration of date of birth should not be entertained after the preparation of the service book of the Government servant and in any event after the completion of the probation period or after 5 years of continuous service, whichever is earlier. In view of the above legal position, there is no violation of the rules on the part of the respondents.



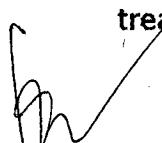
3. Learned counsel for the applicant argued that the requirement for effecting change in date of birth is application within five years of initial appointment, which, in this case, has been compiled, as is evidenced from Annexure A-3.

4. Learned counsel for the respondents has invited the attention of the Tribunal to the conspicuous omission of one para as in representation dated 15.09.04 (Annexure A/5 and Annexure R/2) and contended that the applicant has not come with clean hands. The said omission is as under :

"I am to report that I could not apply for the correction of date of birth in time, due to the Ignorance of Government orders."

It was also argued that for effecting change in date of birth, mere birth certificate would not suffice but there should be a corresponding entry in the S.S.L.C. book, as it is on the basis of entry in the School certificate that the date of birth is entered in service records.

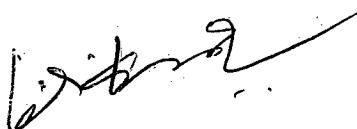
5. Arguments were heard and documents perused. Though the applicant would have applied within one year of her appointment, the same was without any supporting documents. Nor does it contain any request for change in date of birth. Hence the said letter cannot be treated as a proper application. Further, the S.S.L.C. book still contains

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the same date of birth without any amendment. The conspicuous omission of one para in Annexure A/3 certainly raises a serious doubt about the deliberate omission. In rejoinder, there is no denial about the omission. If it were inadvertent omission, there would have been a word of regret about omission. Instead the applicant only contended that Annexure A/5 is only in continuance of Annexure A/3. This cannot be accepted. Certainly the applicant's attempt is hopelessly belated and hence rightly rejected by the respondents.

6. In view of the above, the O.A. fails and is dismissed. No costs.

(Dated, the 14th March, 2007)



Dr. K B S RAJAN
JUDICIAL MEMBER

cvr.