

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.188/95

Tuesday this the 7th day of February, 1995.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR.S.P.BISWAS, ADMINISTRATIVE MEMBER

K.John,
Assistant Director,
Enforcement Directorate,
Govt. of India,
Trivandrum.

.. Applicant

(By Advocate Mr.K.Prabhakaran)

vs.

1. Union of India represented
by Secretary to the Govt. of India,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. Director,
Enforcement Directorate,
(Foreign Exchange Regulation Act),
Govt. of India,
New Delhi-3.

.. Respondents

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant seeks to quash A10 by which his request for correcting the Date of Birth entered in his records of service was rejected. By A5 dated 23.12.92 a request was made to correct the Date of Birth. On the basis of the Date of Birth recorded, applicant is to retire on 28.2.95. The application for correction was made with less than three years to go for retirement.

2. By reason of Note-6 to F.R. 56 the prayer cannot be entertained. A request for correction must be made within five years of the entry in service or in the case of those already in service within five years of the date of the amendment to F.R.56, namely on 30.11.1979.

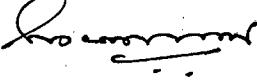
3. This rule does not admit of any exception nor does it

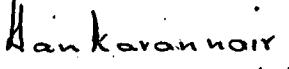
permit relaxation. That is the view taken in Union of India vs. Harnam Singh, AIR 1993 SC 1367, State of T.N. vs. T.V. Venugopal, 1994(6) SCC 302.

4. A10 is not vitiated by any error, much less an error apparent on the face of the record.

We dismiss the application. No costs.

Dated the 7th February, 1995.


S.P.BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

njj/7.2

List of Annexures:

Annexure A5: True copy of the representation dated 23-12-92 requesting for change of date of birth sent by the applicant to the 2nd respondent, Ref: No.A.11/2/TVM/92

Annexure A10: True copy of the Memorandum F.No.16/32/94-Ad.IC dated 16-8-94 issued by the Govt. of India(first respondent)