

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE : 30.1.90

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 199/89

K. J. Alphonse

Applicant

Vs.

1. Union of India represented by the Secretary to Govt. of India  
Ministry of Personnel, Training and Public Grievances, New Delhi

2. The Under Secretary to Govt. of India, Deptt. of Personnel & Training, Central Secretariat North Block, New Delhi and

3. State of Kerala represented by the Chief Secretary to Govt., Government of Kerala, Trivandrum

Respondents

M/s. K. Ramakumar,  
V. R. Ramachandran Nair &  
Roy Abraham

Counsel for the applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for R-1 & 2

Mr. P. V. Mohanan, Govt. Pleader

Counsel for R-3

O R D E R

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

In this application, the applicant who is a member of the Kerala Cadre of the Indian Administrative Service has sought correction of the date of birth as entered in the Service Records by substituting the date as 8.8.1953 in place of the <sup>impugned</sup> entry of 27.11.1952.

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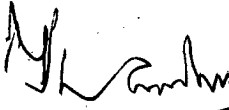
The applicant has already got his date of birth in the school records corrected from 27.11.1952 to 8.8.1953 vide Annexure-A order dated 5.12.1978 passed by the Commissioner for Government Examinations, Of the State Government. The applicant's plea is that on the basis of this correction, the date of birth even in the Service Records may be corrected.

2. The learned counsel for the third respondent has drawn our attention to Rule 16-A of the All India Service Death cum Retirement Benefit Rules which permits corrections of date of birth if there has been a bonafide clerical mistake. In any case, the correction of the date of birth has to be directed by the Government of India. The learned counsel for the applicant states that the applicant has made a representation to the Government of India but no final order on his representation has been communicated to the applicant by the Government of India. We find it difficult <sup>at this stage</sup> to go into the merits of the case for <sup>judicial</sup> ~~judicial~~ intervention. In the circumstances, we close the application with the direction that the applicant should make a fresh ~~suitable~~ <sup>through the State Government</sup> representation to the Government of India in accordance with the relevant rules within a period of one month from the date of communication of this order. We also direct the first respondent to dispose of the representation within a period of three months from the date of receipt of the

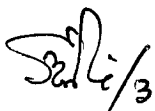
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representation, giving opportunity to the applicant to produce all necessary documentary evidence in support of his claim. The applicant will be at liberty to approach appropriate legal forum in case he is aggrieved by the decision of the Govt. of India on his representation. With these observations, the application is closed.

3. There will be no order as to costs.

  
(N. Dharmadan)  
Judicial Member

30.1.90

  
(S. P. Mukerji)  
Vice Chairman

kmm