

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.242/98

Tuesday, the 17th day of February, 1998.

CORAM

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN

P.K. Manoharan
Indian Police Service
Superintendent of Police
Women's Cell, Kerala
Thiruvananthapuram.

...Applicant.

(By advocate Mr Vakkom N. Vijayan)

Versus

1. Union of India, represented by its Secretary
Ministry of Home Affairs, New Delhi.
2. The State of Kerala represented by its
Chief Secretary to Government
Govt. Secretariat, Thiruvananthapuram.
3. The Director General of Police
Police Headquarters, Thiruvananthapuram. ...Respondents.

(By advocate Mr TPM Ibrahim Khan, SCGSC)

The application having been heard on 17.2.98, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN

The applicant who was a State Police Officer in the
State of Kerala, was appointed to the Indian Police Service
(IPS) in the year 1995. His date of birth in the service
records maintained by the State Government was 27.2.1941.
This date happened to be entered in the service records
basing on the entry in the SSLC book of the applicant.
However, the applicant made a representation (Annexure A-1)
to the State of Kerala for alteration of his date of birth
on the ground that his actual date of birth was 9.3.1942 and
that necessary alterations had been done in the educational
records. His request was turned down by order dated 29.6.95
(A-5) by the State Government. Thereafter, after the applicant

was inducted into the Indian Police Service, he made another representation to the second respondent (A-6) for alteration of his date of birth in accordance with the date of birth shown in the SSLC book as corrected. This representation too was rejected by order dated 3.2.97 (A-7) on the ground that the date of birth of an officer appointed to the I.P.S. cannot be altered under any circumstances except when there has been bonafide clerical mistake while accepting the date of birth by the Central Government. Against this order, he made another representation to the second respondent which was also turned down by order dated 22.9.97 (A-9). Under these circumstances the applicant has filed this application for having the orders at Annexures A-5, A-7 and A-9 set aside, for a declaration that the applicant has a legal right to correct his date of birth from 27.2.1941 to 9.3.1942 in view of the correction made in his school records as per Annexure A-3 and for appropriate direction to the first respondent to pass orders on his representation at Annexure A-10 directing the second respondent to correct the date of birth of the applicant from 27.2.1941 to 9.3.1942.

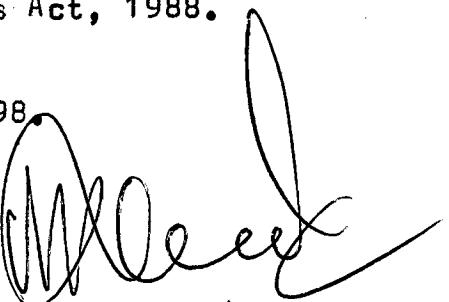
2. I have very carefully gone through the allegations in the application and the annexures appended to the application, the relevant rules concerning the alteration of the date of birth of officers belonging to All India Service and have also heard Mr Vakkom N. Vijayan, the learned counsel appearing for the applicant. Regarding the order at Annexure A-5 is concerned, this Tribunal

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it has been accepted by the Central Government.
Therefore, there is nothing in this case which calls
for its admission and adjudication.

4. Hence the application is rejected under Section
19 (3) of the Administrative Tribunals Act, 1988.

Dated the 17th day of February, 1998



(A.V. HARIDASAN)
VICE CHAIRMAN

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does not have jurisdiction to entertain any grievance against it as this is something which comes within the domain of the High Court since the underlying matter relates to the alteration of the date of birth of the applicant at the time when he was State Police Officer.

3. As far as the impugned orders at Annexure A-7 and A-9 are concerned, in view of the specific provisions contained in Rule 16 (A) of All India Services (DCRB) Rules, alteration of the date of birth of a member of All India Service is not permitted unless it was a case of bonafide error while accepting the date of birth as maintained in the service records by the State Government. The case on hand does not present such a picture. The date of birth accepted by the Central Government at the time when he was inducted into All India Service was exactly the date of birth which was maintained in the service records of the applicant by the State Government of Kerala. Learned counsel for the applicant stated that if the State Government had corrected the date of birth of the applicant in his service records on the basis of the correction made in the SSLC Book, that date would have been accepted by the Central Government, while appointing the applicant in the Indian Police Service and that therefore it is a fit case where the Tribunal should interfere and grant relief. I do not agree. The ifs and buts have not happened. The applicant's request for alteration of his date of birth in the service records was rejected by the State of Kerala before he was inducted into the IPS. He did not challenge the Annexure-V at that time. When the applicant was appointed to I.P.S in November 1995, the date of his birth in the records maintained by the State of Kerala was undisputedly 27.2.1941. Hence as there was no bonafide clerical error, the date of birth cannot be altered after

LIST OF ANNEXURES

1. Annexure A1: Letter dated 30.12.1992 of the applicant to the Commissioner for Govt. Examinations.
2. Annexure AIII: Order No.K.Dis.4277/94/EX/83 dated 22.2.1993 of the Commissioner of Govt. Examinations, Kerala.
3. Annexure AV: Letter No.13950/A2/95/Home dated 29.6.95 of the 2nd respondent to the applicant.
4. Annexure AVI: Representation dated 17.6.96 of the applicant to the respondent.
5. Annexure AVII: Letter No.68091/Spl.A3/96/GAO dt. 3.2.97 of the 2nd respondent to the applicant.
6. Annexure AIX: Letter No.46014/Spl.A3/97/GAO dated 22.9.97 of the 2nd respondent to the applicant.
7. Annexure AX: Representation dt.12/97 of the Applicant to the 1st Respondent.

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