

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 376 of 2000

Tuesday, this the 23rd day of May, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.T. Parameswaran,  
Mail Oversear,  
Pattambi Sub Division, Pattambi,  
residing at Parakkuth, Thekket House,  
Nagalasserri. . .Applicant

By Advocate Mr. S.M. Prasanth

Versus

1. Union of India, represented by  
the Chief Post Master General,  
Kerala Circle, Trivandrum.
2. The Superintendent of Post Offices,  
Ottapalam Division,  
Pattambi - 679 101
3. ~~The~~ Post Master General,  
North Region, Kozhikode-1 . . .Respondents

By Advocate Mr. M. Rajendra Kumar, ACGSC

The application having been heard on 23rd May 2000,  
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, who is presently working as Mail Oversear in Pattambi Sub Division of Ottapalam Division of Postal Department, is to retire from service on 31-5-2000 as per the existing records. Alleging that his correct date of birth is 1st June 1941 and the record needs to be corrected, the applicant made a representation on 20-10-1998, which was turned down by the impugned order dated 1-1-1999 (A3) by the 2nd respondent on the ground that the application is highly belated as he has not made any request for alteration within a period of five years from the date of commencement of service

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as envisaged under the Govt. of India, Ministry of Home Affairs, Department of Personnel and A.R. letter No. 19017/6/80-Est.(A) dated 28th November, 1980 - Note 2 of FR 56. The applicant made a further representation which was also rejected by the impugned order dated 23-2-1999 (A5). Aggrieved by the same, the applicant has filed this application for setting aside A3 and A5 and for a direction to the respondents to correct the date of birth of the applicant as 1-6-1941 in his service book.

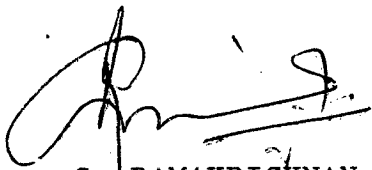
2. After hearing the learned counsel on either side and on perusing the application and the annexed papers, we find that the respondents cannot be found fault for issuing the impugned orders A3 and A5, since the request for alteration of date of birth should have been made within a period of five years from the date of entry into service. Learned counsel for the applicant stated that at the time of joining service the applicant had produced a certificate showing his date of birth as 1st June 1941 and had also submitted his descriptive service particulars in which also the date of birth was shown as 1-6-1941 and that for the mistake committed by the department by showing a wrong date of birth the applicant should not be made to suffer. In the impugned orders it has been made clear by the respondents that the applicant had thrice verified and signed the entries made in the service book including the date of birth and had accepted the correctness of the same and that, therefore, the applicant cannot at this distance of time claim alteration of date of birth. Under these circumstances, we are of the considered view that the applicant has no subsisting and valid cause of

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action. He has no right to seek alteration of date of birth in the service record while only a few days is left for him to retire on the basis of the recorded date of birth.

3. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Tuesday, this the 23rd day of May, 2000



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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List of Annexures referred to in this Order:

1. A3 - True copy of the letter No. B2/1/GL. dated 1-1-1999
2. A5 - True copy of the communication dated 3-2-1999 issued by the 1st respondent to the applicant.