

**Central Administration Tribunal, Lucknow Bench, Lucknow
Original Application No. 445 of 2008**

This , the 4th day of November, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J),
Hon'ble Dr. A.K. Mishra, Member (A)**

Smt. Uma Devi, aged about 47 year, daughter of shri Hukum Narain Lal, W/O shri S.P. Srivastava, R/o- House No. 138, Pant Nagar, Forbish Ganj, Gonda.

Applicant

(By advocate : Shri Raj Singh)

Versus

1. UOI through General Manager (Personnel)
North Eastern Railway,
Gorakhpur.
2. The Chief Personnel Officer,
North Eastern Railway,
Gorakhpur.
3. Chief Medical Director,
North Eastern Railway,
Gorakhpur.

Respondents

(By advocate : Shri N.K. Agarwal)

Order

Hon'ble Dr. A.K. Mishra, Member (A)

This application has been made challenging the order dated 05.12.2008 issued on behalf of respondent No. -1 directing the other respondents to obtain pension papers from those employees who are to be superannuated during 2009 and the consequential action of the respondents to superannuate her on 31.10.2009 treating her date of birth



as 01.11.1949. The applicant contends that her actual date of birth is 15.06.1961 and on that basis she should be allowed to continue in service till 30.06.2021. Earlier, the learned counsel for the applicant made a request for production of official records pertaining to her date of birth for proper adjudication of the dispute.

Accordingly the service records of the applicant were produced today at the time of hearing. On perusal we find that the service book of the applicant contains the entry of her date of birth as 01.11.1949. The declaration form which was filled in by the applicant on 07.11.1991 states her DOB as 01.11.1949. It also records her age at the time filling up the declaration as 41 years 11 months and at the time of passing of high school examination as 38 years 8 months and 10 days. It is stated in this declaration that she had studied in higher secondary school, Sutawar, distt. Deorio during 08.07.1963 to 11.07.1965 and passed class VIII from that school. Consequent on her husband's death, she was engaged in temporary spells as water carrier with the respondent. She had passed the high school examination from MDB Singh IC Belsar Gonda higher secondary school in the year 1988. The marksheets of this examination submitted by her reveals her date of birth as 01.11.1949.

The learned counsel for the applicant contested that the service book produced for our examination was not the original one. The service book produced does not contain her signature at any of the pages. According to him, the high school certificate of the applicant, a copy of which is placed at Annexure (A-3) indicates her date of birth as 15.06.1961. It is further argued that there was a controversy about the actual date of birth of the applicant and she was asked to file a fresh declaration, in which she maintained her date of birth as 15.06.1961. The matter was referred to vigilance for investigation. After due inquiry, the vigilance case was closed. This would go to prove that her contention was correct and no action was taken against her for submitting false

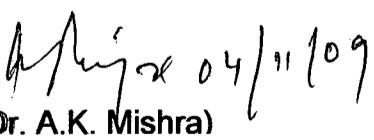


declaration. Therefore, the applicant's date of birth should be corrected on the basis of the entry in High school examination certificate filed by her.

The learned counsel did not challenge the declaration made by the applicant on 05.11.1991, which was produced for our examination. The applicant is an educated person having passed high school examination in 1988. The declaration has been made in Hindi language in 1991. There is no overwriting or any suspicious entry in this statement. If, for a moment, we accept her contention about date of birth, it would mean that she had passed class VIII examination in the year 1965 at the age of 4 years and that she entered the school on 08.07.1963 in class VI at the age of 2 years. Surely, the learned counsel for the applicant would not canvas such a proposition for our acceptance.

It is stated that, the mark sheet of high school examination submitted by her was somehow lost in the office. But a copy of the mark sheet is available in the office record and it was produced before us. It shows that she had secured 286 mark in the high school examination of 1988 conducted by the Secondary School Council of Uttar Pradesh and passed in 2nd division.

There is overwhelming evidence in support of official contention that the correct date of birth of the applicant was 01.11.1949 not 15.06.1961 as claimed. Besides, the settled law is that no claim for the correction of the date of birth of an employee should be entertained at the fag end of the service career. In the circumstances we don't find any merit in this application, which is accordingly dismissed. No costs.


(Dr. A.K. Mishra)
Member (A)


(Ms. Sadhna Srivastava)
Member (J)