

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 16<sup>th</sup> day of July, 97.

O.A. No. 341 of 1990

HON. MR. D.C. VERMA, MEMBER(J)

Abdul Gaffar son of late  
Altaf Husain alias Chokhey, Ex. Guard  
under station superintendent Northern  
Railway, Faizabad, resident of Mohalla  
Paharganj, Islamabad, District  
Faizabad.

Applicant

None for applicant

versus

1. Union of India through the General  
Manager, Northern Railway, Baroda  
House New Delhi.

2. The Divisional Railway  
Manager, Northern Railway Hazratganj,  
Lucknow.

Respondents.

By Advocate Shri S. Verma.

O R D E R

HON. MR. D.C. VERMA, MEMBER(J)

By this O.A. the applicant Abdul  
Gaffar son of late Altaf Husain alias Chokhey  
has claimed relief of correction of date of  
birth. As per the recorded date of birth, the  
applicant has been retired in the afternoon  
of 31.1.1990 vide Annexure A-4 dated 31.1.90.  
The applicant has prayed for quashing of the  
said order.

2. As per the applicant's case, his date  
of birth is 28.10.1934, as per entry in the  
School Leaving Certificate (copy Annexure A-1)



and not 17.1.1932 as entered in the service record.

3. The respondents have contested the claim of the applicant. Pleadings have been exchanged between the parties. No R.A. has been filed by the applicant.

4. As per the facts contained in the O.A., the applicant joined the service as Porter (class IV service) on 8.8.1955. As per the recitals made in para 6 of the O.A., sometime after his appointment as Porter, the applicant was required to attend the office of respondent No. 2 i.e. D.R.M. Northern Railway Lucknow who was then designated as Divisional Superintendent. In the said office the applicant was made to sign and put his thumb impression on some official records. The applicant did so as per the directions of the dealing staff. However, on being asked, the applicant disclosed, his aforesaid date of birth i.e. 28.10.34. It is however seen that in the service record(copy Annexure B-1 to the C.A.) the date of birth of the applicant is recorded as 17.1.1932. This document was thumb marked by the applicant. The applicant has also signed in English which shows that the applicant admitted that the date of birth is ~~is~~ 17.1.1932, as recorded in this document. There is nothing on record to show that the applicant made any representation for correction of date of birth at that time, as has been claimed by the applicant in para 6 of the O.A. In case the date of birth as recorded in the service


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record was not acceptable to the applicant, the applicant could have very well made representation and could have persued the matter in law court, ~~but~~ <sup>5</sup> <sup>5</sup> No such step was taken by him.

5. It is pertinent to note that as per the School leaving certificate (copy Annexure A-1 to the O.A.) the date of birth of the applicant is 28.10.1934. This School Leaving Certificate was issued in, as claimed by the applicant, October, 1952 i.e. prior to the date the applicant was regularly appointed in the service. If it was so, the applicant could have filed this paper at the time of entry in service, but as per the respondents, no such record was filed. Though the applicant claims that he made representation in the year 1973 for correction of date of birth, but no action was taken by the respondents. The applicant thereafter did not persue the matter to claim relief from court of law. Even when the applicant signed the service recore (Anexure B-1 to the C.A.) in the year 1955 at the time of his appointment as Porter, the applicant had not taken any step to get the entry corrected. Thus, it is found that only after retirement on 31.1.90 the applicant, for the first time came to the Tribunal and filed this O.A. in October, 1990. Thus, during the period of about 35 years, the applicant took no effective steps to get the date of birth corrected and therefore, his claim for correction of date of birth after retirement cannot be acceded to.



6. In the case of Union of India vs. Mrs. Saroj Bala(AIR 1996, SC, 1000) the apex Court refused the relief of correction of date of birth after 18½ years of service. Similarly, in the case of Union of India vs. Ram Suia Sharma(1996 SCC(L&S) 605 the apex court refused to grant relief of correction of date of birth as the same was made 25 years after joining service. In the case before this Bench, the applicant has claimed correction of date of birth after more than 35 years and that too after retirement. The claim therefore, is barred by laches and delay. The O.A. has therefore, no merit and is rejected. No costs.

  
MEMBER(J)

Lucknow:Dated: 16.7.97

Shakeel/