

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 824 of 1991.

Nagnath Prasad Nigam

Applicant.

versus

Union of India & others

Respondents.

Shri N.K. Nair,

Counsel for Applicant.

Shri K.C. Sinha

Counsel for Respondents.

CouramHon. Mr. Justice J.C. Srivastava, V.C.

The applicant, who is still in service, after failing to get his age corrected by the respondents, in the service book, has approached this Tribunal ^{and purpose} ~~for the~~. The applicant is working as Welder (H.S. Grade II) in the Tool Room of the Heavy Textile Section of the Ordnance Equipment Factory, Kanpur. He was initially appointed on 10.1.1961. According to the applicant, he studied upto 8th Class and passed the ~~8th class~~ examination in the year 1951 and his correct date of birth, as recorded in the Scholar register is as 5.1.1937. ~~and~~ He appeared in the High School exam in the year 1954 and in the application form for High School, also, the applicant mentioned his date of birth as 5.1.1937, but he could not succeed in the examination. According to him he appeared in the High School examination as a private candidate, ^{wrong} but his date of birth was mentioned in the service record as 11.1.1936, which he came to know at the very late stage and that is why he submitted representation on 18.1.1983 for correction of date of birth but his prayer was rejected and that is why he ^{has} approached the Tribunal.

2. According to the respondents, the applicant at the time of appointment did not submit any certificate regarding his age and as such the medical examination was done on 11.1.1961, on which date the applicant's age was assessed as 25 years and it was so recorded. He passed the High School subsequently and that is why the above date of birth was recorded and subsequently ~~wrote~~ from papers his correct date of birth was verified which also stood confirmed by the medical examination which took place. The applicant mentioned his date of birth as 11.1.1936 and was supposed to know his date of birth at least on 27.4.1967 but he never made any complaint for the same. It may be that the applicant did not pay any attention to it and may not have been mindful towards it. It is a case in which there was documentary evidence which is of unimpeachable character in the form of school leaving certificate but the applicant may or may not have been successful in the High School examination, but his date of birth would be what was recorded in form. Apparently, there being evidence of unimpeachable character, there was to be no reason why date of birth should not have been corrected when it was fully proved that even before entering service, a particular date of birth was given. His date of birth will now be corrected and the applicant will be entitled to continue to remain in service taking his date of birth as 5.1.1937.

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3. The application is disposed of as above
with no order as to costs.

Shakeel/-

Lucknow: Dated: 22.1.93.


Vice Chairman.