

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No:106 /2007
This, the 7th day of January 2008

Hon'ble Mr. Shankar Raju, Member (J)

Vidyavati Devi aged about 51 years widow of Late Sri Kishori Lal, Group D
Faizabad H.Q. R/o 658, Retia Naya Purva, Faizabad.

Applicant.

By Advocate: Shri R.S. Gupta

Versus

1. Union of India through the Secretary Department of Post Dak Bhawan, New Delhi.
2. Senior Superintendent of Post Offices, Faizabad.
3. Senior Postmaster Faizabad.
4. Chief Medical Officer, Faizabad.

Respondents.

By Advocate: Sri S.P.Singh for Smt. M. Mishra

Order (Oral)

By Hon'ble Mr. Shankar Raju, Member (J)

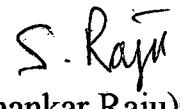
As held by the Hon'ble Apex Court in U.P. Madhyamik Shiksha Parishad Vs. Raj Kumar, 2005 (2) SCC (L&S), page 50, date of birth cannot be corrected at the fag end of the service. Admitted case of the applicant is that she was born in village on 5.12.1954, and after studying upto 4th class, left the school. The date of birth of the applicant was determined on the basis of the medical examination. A request was made on 9.11.2004 to correct the date of birth on the basis of school leaving certificate, when not responded by the respondents, gives rise to the present O.A.

2. The claim of the applicant, as resisted by the respondents, transpires that despite school leaving certificate issued to the applicant in 1970, a belated request made after almost 34 years, cannot be countenanced, as the rules prescribed, request to be made within 5 years from the date of knowledge of exact date of birth or within 5 years on joining the service. It cannot be assumed as propagated by the learned

-2-

counsel that the date of birth has never been apprised to applicant by way of circulation of seniority list during her service tenure.

3. Applicant in his O.A. has contended that the opinion of CMO, which formed the basis of date of birth to be reckoned as 1949 on medical examination, cannot be an authentic proof and as the service book was not apprised to the applicant and being illiterate and mentally weak, the correction in date of birth and its alteration could not be made. In my considered view, the date of birth of applicant as certified in the school leaving certificate was known to applicant right from the year 1970. Despite, expiry of 34 years, no efforts have been made to correct the date of birth. As ruled by the Apex Court supra after 35 years of service, alteration in date of birth is not permissible at belated stage. Moreover, as per the decision of the Apex Court in State of U.P. Vs. Shiv Narayan Upadhyaya, 2005, SCC (L&S) 794, a belated correction is not entertainable which has been reiterated in several pronouncement. In the light of the above, the claim of the applicant for correction in date of birth at the fag end of her service tenure, cannot be countenanced in law. O.A. is bereft of merit and is accordingly dismissed. No costs.


(Shankar Raju)
Member (J)

HLS/