

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

O.A. No. 307/91.

Abdul Samad Khan

Applicant

versus

Union of India & others

Respondents.

Shri Avdhesh Kumar Counsel for Applicant

Shri V.K. Chaudhury Counsel for Respondents.

CORAM

Hon. Mr. Justice U.C. Srivastava, V.C.

The applicant was appointed as Driver in the Geological Survey of India in the office of Superintendent Geologist-in-Charge, Northern Region, Lucknow in the year 1961. At the time of joining he submitted an affidavit of his father in which the date of birth of the petitioner is shown as 1932. In the year 1983 the applicant filed an affidavit of his mother stating that the applicant was born on 19th December, 1935. Alongwith the affidavit of his mother the applicant filed an application for correction of his date of birth as 19.12.35. The applicant was informed that the correction in the date of birth was not possible as the request was not made within five years of entry in service. According to the applicant the wrong entry in the service book was not known to the applicant within five years of entry in the service.

and he could not apply in time and he retired on 31.12.90.

2. The applicant filed this application praying that he has been wrongly retired and his date of birth was not duly recorded and the respondents would have corrected it.

3. The respondents have pointed out that the date of birth was as given by the father of the applicant himself in his affidavit and oral statement. In this connection, reference has made to the notification dated 30.11.1979 issued by the Govt. of India which provides that the date on which the Govt. servant attains the age of fifty eight years or sixty years shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence such as High Secondary or Secondary Certificate or extracts from birth Register. The date of birth so declared will not be subject to any alteration as specified in the note. So far as the correction of age within five years is concerned, the applicant entered in the service in the year 1961. The correction could have been made after expiry of five years. The only support in his contention is the birth certificate issued by Nagar Mahapalika Lucknow in which it has been stated that child Abdul Samad was born to Bittu wife of Abdul Rahman on 19.12.35

It is not known how the ~~radixak~~ birth certificate has been issued indicating the name of the applicant. The applicant has failed to make out any case for ^{and the present application deserves to be} correction of age/date of birth. However, in view of the fact that he has filed a certificate the respondents are directed to make enquiry satisfying that his date of birth was not correctly recorded. Dy. Director, The applicant may approach, Geological Survey of India, Lucknow, who may fix a date for holding enquiry. In case it is found that the applicant's date of birth as recorded in the birth certificate is not correct his application may be rejected, otherwise he may be given consequential benefits.

4. The application is disposed of finally as above. No order as to costs.

Lucknow: Dated 10.7.92

Vice Chairman.

Shakeel