

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 638/87 198
T.A. No.

DATE OF DECISION 26.9.91

Shri Krishnat Maruti Kadam Petitioner

Shri B. Ranganathan.

Advocate for the Petitioners)

Versus

Union of India

Respondent

Shri R.K. Shetty.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M.Y. PRICKAR, Member (A)

The Hon'ble Mr. T.C. REDDY, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y* *o*
2. To be referred to the Reporter or not? *N* *o*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N* *o*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N* *o*

MGIPRRND-12 CAT/86-3-12-86-15,000

T. Chandrasekaran *o*
 (T.C. REDDY) 26.9.1991
 MEMBER (J)

(1)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 638/87

Krishnat Maruti Kadam.

... Applicant.

V/s.

1. Director General,
Ordnance Factories &
Chairman,
Ordnance Factory Board
10-A Auckland Road
CALCUTTA - 1.

2. The General Manager
Machine Tool Prototype Factory,
Ambernath
Thane, Dist.
Maharashtra.

... Respondents.

CORAM: Hon'ble Shri M.Y.Priolkar, Member (A)

Hon'ble Shri T.C. Reddy, Member (J)

Appearance:

Mr. B. Ranganathan, advocate
for the applicant.

Mr. R.K. Shetty, Advocate
for the respondents.

JUDGEMENT

Dated: 26.9.91

(Per Shri T.C. Reddy, Member (J))

This application is filed under section 19 of the Administrative Tribunal Act, 1985 as against the order dated 11.4.87 of Works Manager, Machine Tool Prototype Factory, Ambernath ~~requesting~~ ^{relying} to alter the applicant's date of birth from 4.11.1937 to 15.4.1939.

The facts giving rise to this application are within a narrow campus and may be briefly stated as follows:

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The applicant was appointed as Labourer 'B' in Ordnance Factory, Ambernath on 6.11.1961. At the time he was appointed as Labourer 'B' grade in Ordnance Factory, Ambernath, the applicant submitted the School certificate in support of the applicant's age and educational qualification. The applicant is said to be a 10th class failed candidate. His date of birth as entered in the school register at the time of admission is said to be 15.4.1939. The date of birth as entered in the school register, was certified in the school certificate also and inspite of the school certificate showing his date of birth as 4.11.1939, at the time of his appointment his date of birth had been entered as 4.11.1937 on the basis of his medical examination. It is the case of the applicant that sometime in 1983 the applicant checked his service record and to his surprise that he found his date of birth had not been entered as 15.4.1939 and had been entered as 4.11.1937 and to rectify the said mistake the applicant made representation to the General Manager, Machine Tool Prototype Factory Ambernath vide his representation dated 22.4.83, to correct his date of birth from 4.11.37 to 15.4.39. The date of birth of the applicant was not accordingly corrected and so the applicant has approached this Tribunal for correcting the date of birth as already indicated above.

The respondents have opposed the application by filing the reply. The reply of the respondents, it is contended that date of birth as mentioned in the school register where the applicant said to have

studied does not represent the correct date of birth of the applicant and that there is no proof to show that the correct date of birth of the applicant is 15.4.1939. So it is contended on behalf of the respondents that the application is liable to be dismissed.

In support of the contention of the applicant that his date of birth is 15.4.1939, the applicant has filed the certificate issued by the Mahatma Gandhi Vidyalaya and Junior College Pusesavali wherein it is certified that in the year 1958-59 the applicant has ~~in the institution~~ studied 10th class and as per school register the date of birth of the applicant is 15.4.1939. As seen the school in which the applicant is said to have studied is a private one. Strong reliance is placed by the learned counsel for the applicant on the said certificate issued by the said Mahatma Gandhi Vidyalaya, Junior College Pusesavali to support the contention that the date of birth of the applicant is 15.4.39. But needless to point out that entry in the school register with regard to date of birth is a ~~weak~~ ^{weak} type of evidence. The question before us is whether the said school certificate filed by the applicant showing his date of birth as 15.4.39 should be taken as sufficient proof of the applicant's age. The entry in the school register is mainly made on the information furnished by the person accompanying the child to the school at the time of Admission. Absolutely no material is placed before us to show on what basis the date of birth of the applicant was entered as 15.4.39 in the school register of the said Mahatma Gandhi Vidyalaya and

Junior College Pusesavali where the applicant is said to have studied his 10th class and failed. So in the absence of credible evidence to show that the date of birth of the applicant as 15.4.39, by mere entry of the date of birth of the applicant as 15.4.39 in the school register where the applicant is said to have studied and on the certificate issued on the basis of the said entry ~~in the said school register~~ showing the date of birth of the applicant as 15.4.39. We are not prepared to place any reliance.

There is one more circumstance in this case to show that the applicant's date of birth is not 15.4.39 as contended by him. When the representation of the applicant to correct his date of birth was pending before the General Manager, Machine Tool Prototype Factory, Ambernath, the said General Manager has made his own inquiry about the truth in the contention of the applicant with regard to his date of birth. For the said purpose of verifying the date of birth of the applicant one Mr. B.Y. Nagane, UDC was deputed. The said Mr. Nagane, had contacted the Tahasildar, Khatav (Viduj) and thereafter had submitted a report dated 9.3.88 to the officer in charge M.T.P. Fy. Ambernath. (The said report is available on the file). From the said report it becomes amply evident that the date of birth of the applicant as recorded in the birth register is 6.10.38. So it is quite clear that the date of birth of the applicant is not 15.4.39 as contended by him.

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by him. As seen the date of birth according to the applicant as per school certificate is 15.4.39 but as per the report of Shri Nagane, UDC the date of birth of the applicant as per entry in the birth register is 6.10.38. In view of the contradictory evidence before us we are not prepared to accept the date of birth of the applicant as 15.4.39.

We see no merit in this application and hence the same is liable to be dismissed. We accordingly dismiss this application but in the circumstances of the case there is no order as to costs.

T.C. REDDY
(T.C. REDDY)
MEMBER (J).

26/9/91

M.Y. PRIOLKAR
(M.Y. PRIOLKAR)
MEMBER (A)