

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 747/88.

Shri E.P.Nair,
Sr. Personal Assistant (SS),
Ordnance Factory,
Dehu Road, Pune.

... Applicant.

V/s.

1. The General Manager,
Ordnance Factory,
Dehu Road, Pune.
2. The Chairman,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,
Hon'ble Member(J), Shri T.C.Reddy.

Appearances:-

ORAL JUDGMENT

DATED : 11.7.1991.

¶ Per : Shri M.Y. Priolkar, Member (A))

The grievance of the applicant in this case is that his date of birth has been wrongly entered in his service record at the time of entry into service as 15.5.1949, whereas according to him the correct date of birth is 15.7.1950.

2. In support of his contention about the correct date of birth the applicant has produced a copy of certificate of birth dt. 22.4.1980 issued by the Village Panchayat, Kavasseri, Kerala showing his date of birth as 15.7.1950. Based on the date of birth shown in this certificate the applicant submitted a representation on 15.6.1988 for correcting his date of birth as recorded in service book but this has been rejected by the General Manager on the ground that the S.S.L.C. certificate, on the basis of which the entry in the service record was made, is a valid document for the purpose of date of birth and it has,

C.A. 747/88.

therefore, been correctly entered in the Service Book from the S.S.L.C. certificate produced at the time of recruitment.

3. The applicant contends that the General Manager is the competent authority to take decision in his case. The representation submitted by him was however forwarded by the General Manager to Ordnance Factory Board and has been rejected by the Board. The applicant contends that this is irregular and the decision should have been taken by the General Manager himself. We are unable to agree with the applicant. When the Board is a higher authority than the General Manager, evidently it will have all the non-statutory powers of the General Manager and it is open for the General Manager to refer any matters in case of doubt to a higher authority although he may himself have been delegated those powers. It is not in dispute that these are non-statutory powers and there is no bar to an Officer to whom such powers have been entrusted deciding the case after obtaining guidance of the higher authority or even leaving the decision itself to such higher authority. The applicant's contention in this regard is, therefore, rejected.

4. The second ground on which the applicant relies is that according to him this Tribunal in its decision in the case of Shiv Parshad v. General Manager, Northern Railway and others ATR 1987 (1) CAT 608 (New Delhi Bench) has held that the date of birth certificate issued by the Registrar of Births & Deaths is a more reliable document than the School Leaving Certificate. We have gone through the extract of the Judgment annexed to this application by the applicant. In our view the whole tenor of that judgment is that a document, whether School Leaving Certificate or

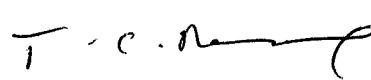
(S)

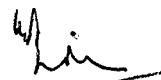
O.A.747/88.

birth certificate, on the basis of which an entry in the service record is made at the time of recruitment will be a more reliable document and that such entry which has remained unchanged for number of years cannot be corrected merely on the basis of an entry in another document, whether it is from birth certificate or School Leaving Certificate or vice-versa as in this case. The applicant was recruited in 1970. He is an educated person, being a Stenographer and has allowed the entry based on School Leaving Certificate to remain in the record for more than 17 years after joining service. In our view, it cannot be permitted to be corrected on the basis of certificate of a Village Panchayat, which cannot be considered to be unimpeachable evidence.

5. It is also noticed from the representation dtd. 19.10.1987 addressed by the applicant to the General Manager Ordnance Factory, that according to him, as per the then existing rules, a ward on attaining the age of 6 years/after completing 5 years age only was allowed to be admitted to 1st Standard and as such 15.5.1949 had been entered as date of birth in the School admission register. Evidently on the basis of this rule the age ^{required by} at the time of S.S.L.C. examination would be more than 15 years whereas if the date of birth is changed according to his representation he would be less than 15 years of age at that time as he appeared for S.S.L.C. examination in March, 1960.

6. For all these reasons we do not find any merit in this application. It is rejected with no order as to costs.


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


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