

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

O.A. No: 48/86

Damodar Tulsiram Ramachandra Kalke,  
Nissen H uts,  
51, Senadatta Peth,  
Pune - 411 030.

Applicant

V/s.

- 1) Union of India,  
Ministry of Defence,  
New Delhi - 110 011.
- 2) Officer-in-Charge,  
Army Ordinance Core(AOC),  
Records,  
Secunderabad.
- 3) Director of Ordinance Services(OS-8C(ii))  
Army Head Quarters,  
Master General of the Ordinance Branch,  
DHQ P.O.,  
New Delhi- 110 011.
- 4) Commandant,  
Central AFV Depot,  
Kirkee,  
Pune - 411 003.

Respondents

Coram: Vice-Chairman B.C.Gadgil

Member P.Srinivasan

Present: Shri S.N.Chandrachood

Shri Sethna

Order : (Per B.C.Gadgil, Vice-Chairman) Date: 13-6-1986.

In this application the applicant challenges the recording of his birth date as 1.7.1928. His grievance is that he was born on 19.5.1930. The date of his retirement from service - whether it would be 30.6.86 or 30.5.88 - would depend the resolution of this dispute.

The applicant is serving as a Civilian under the Ministry of Defence. He joined service on 21st October, 1943. The contention of the applicant is that his father had come with him when he joined service and that they had at the time shown his certificate of birth indicating the date as 19.5.1930 and that it was on that basis that he was recruited. Along with the

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present application he has produced a copy of the birth extract showing such birth date. He, therefore, claims that his birth date should be altered from 1.7.1928 to 19.5.1930 and that he should be permitted to serve till 1988 on the basis of such alteration.

Mr. Sethna for the respondents took a number of adjournments for filing a reply but no reply has been filed so far. Hence we decided to hear the matter without granting any further time.

Mr. Sethna showed us the service book and the other connected service records of the applicant to show that the correct birth date of the applicant is 1.7.1928. Several entries in these records have been shown to us and they were also shown to Mr. Chandrachood, advocate for the applicant. In the service book, the birth date of the applicant is mentioned as 1.7.1928 and the applicant has signed below this entry on various dates, that is on 29.6.1969, 22.5.1974, 21.4.1977 and 29.12.1979. Similarly, the applicant has put his signature on a page of the service book where the birth date is shown as 1.7.1928. The applicant has also given a certificate that the birth date mentioned in the service book is correct. He has signed a prescribed form on the same date showing the birth date as 1st July, 1928. The question is as to whether it would be possible to believe the applicant when he says that he showed his School Leaving Certificate at the time of joining service in which the birth date is recorded as 19.5.1930. If that had been the position we see no reason why the concerned authorities should not have recorded the birth date of the applicant as 19.5.1930. The fact that the birth date was entered as 1.7.1928 in the service record and the fact that this entry was confirmed by the applicant from time to time as indicated above belie the applicant's claim.

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This is more so when he has thought of challenging his date of birth on the verge of his retirement. The application is dismissed. No orders as to costs. The records have been returned to Mr. Sethna.

*B.C. Gadgil*  
(B.C. GADGIL)

Vice - Chairman

*P. Srinivasan*  
(P. SRINIVASAN )  
Member.

*49/13/6/1986*