

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

Original Application No.288/86.

Shri Patric George,  
Near Municipal Park,  
Ratan Chawl,  
Sadar Bazar,  
Nagpur.

...Applicant.

V/s.

1. The Secretary to the  
Government of India,  
Director General, C.P.W.D.,  
New Delhi.
2. The Superintending Engineer,  
Nagpur Central Circle,  
Central P.W.D.,  
Nagpur.

...Respondents.

Coram: Hon'ble Member(A), Shri P.Srinivasan.

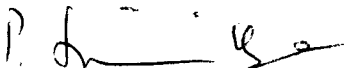
Judgment:

(Per Shri P.Srinivasan, Member(A)) Dated:

This application filed on 10.9.1980 by the applicant who retired from C.P.W.D. as Work Assistant complains that he was wrongly retired on 31.1.1980 on the basis that his date of birth was 26.1.1922, while in fact his date of birth was 26.7.1928 and he should have retired only in 1986.

2. The applicant argued his case himself and urged that in the various documents relied upon by the respondents the date of birth had been tampered with by them and that his correct date of birth was indeed 26.7.1928. He had obtained a certificate from Nagpur Municipal Corporation to this effect which he had produced before the respondents but the respondents had disregarded evidence so produced.

3. Shri Masurkar, Learned Counsel for the respondents produced the personal file of the applicant and which contained a copy of an affidavit said to have been sworn by the applicant on 19.12.1964 stating



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his date of birth to be 26.1.1922. The applicant denied having filed any such affidavit. The applicant asserted that he had given his School Leaving Certificate to the authorities in which the date of birth had been recorded as 26.7.1928. The respondents say that this was when the applicant was originally employed in 1962 but thereafter he was removed from service in 1963 because he had given conflicting versions of his date of birth. Subsequently, the said School Leaving Certificate had been returned to the applicant and he had been directed to produce proof of his age. As regards the birth certificate from the Municipal Corporation of Nagpur produced by the applicant Shri Masurkar pointed out that the name of the father mentioned therein was Peter, while the name of the applicant's father was George and that therefore that certificate did not relate to the applicant. Shri Masurkar showed a certificate of Baptism dt. 14.2.1963 signed by the Parish Priest of the Archdiocese of Nagpur which gave the date of birth of the applicant as 26.1.1922. The applicant asserted that this was not a genuine document, though he confirmed that the names of the father, god father, god mother and wife mentioned therein were the same as his own. The applicant points out that the alleged Baptism certificate refers to a sur name and he has no surname. Shri Masurkar then produced letter dt. 21.2.1963 said to have been received from the Principal of St. John's High School, Nagpur in reply to an inquiry made by the respondents in which also the date of

*P. Masurkar*

birth of the applicant was shown as 26.1.1922. The applicant flatly denied that such a letter was written by the Principal of the School to the respondents.

Shri Masurkar then showed an attestation form filled in by the applicant on 15.9.1964 when he was reappointed in service in which he had himself noted his date of birth as 26.1.1922. The applicant states that he was asked to put down this date subject to verification and he did so. The Service Book of the applicant was produced by the Respondents recording his date of birth as 26.1.1922 signed by the applicant on the first page. The applicant alleged that the date of birth had been tampered with. The applicant on his part claimed that he had tendered his 11th standard Leaving Certificate to the respondents on 14.12.1964 and that that certificate would show his correct date of birth. Shri Masurkar submitted that the signature of the acknowledgement said to have been given to the applicant in this connection appeared to be a forged one which had been written after erasing something which was already there; the signature purporting to be that of Shri D.S.Rodi, Shri Masurkar pointed was different from the signature of that Officer as found in the official records.

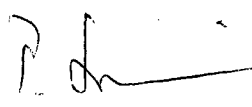
4. To sum up, the respondents have relied on the entry in the service book, the copy of the affidavit said to have been sworn by the applicant on 19.12.1964, the Baptism Certificate said to have been issued by the Archdiocese of Nagpur, Nagpur, the letter dt. 21.2.1963 said to have been written by the Principal St. John's High School, Nagpur and the attestation filled in by the applicant himself, all



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of which the applicant alleges have either been tampered with or are not genuine documents. The only evidence which the applicant produced was a Corporation Certificate in which the father's name is different from that of the applicant's father. After going through all the documents produced, I find that the respondents did not act arbitrarily in retiring the applicant on 31.1.1980 on the basis that his date of birth was 26.1.1922 they had evidence to support their action. I am also satisfied that the grievance urged in this application having arisen on 31.1.1980 when he was retired from service, the subject matter of this application is outside the jurisdiction of this Tribunal. As several Benches of this Tribunal have already held that any cause of action that arose prior to 1.11.1982 is outside the jurisdiction of this Tribunal.

5. In view of the above, the application dismissed. Parties to bear their own costs.

  
(P. SRINIVASAN)  
MEMBER (A).  
23/3/88