

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

Original Application No. 323 of 1986.

Onkarprasad Dhannalal Khatri,  
Railway Quarters No. RB II 669,  
40 Blocks,  
Bhusaval.

..... Applicant

V/s.:

1. The Union Of India,  
through The General Manager,  
Central Railway,  
Bombay V.T.
2. The Divisional Railway Manager,  
Central Railway,  
Bhusaval.

..... Respondents

Coram: Hon'ble Vice-Chairman B.C. Gadgil

Hon'ble Member (A) J.G. Rajadhyaksha

Appearance:

1. Shri S.B. Kasar,  
Advocate for the Applicant.
2. Shri S.R. Atre,  
Advocate for the Respondents.

ORAL JUDGMENT  
(Per B. C. Gadgil, Vice-Chairman)

Date: 2-6-1987.

The only dispute in this application is about the birth date of the applicant. The applicant joined Railway service as an Office Boy in 1945. In the service Record his birth date has been entered as 1-8-1927. The applicant's case is that this is incorrect as he is actually born on 25-2-1931. The applicant was made to retire on 31-7-1985 i.e. after completion of 58 years of age on the basis of the birth date 1-8-1927.

2. The grievance of the applicant is that he was actually born on 25-2-1931. According to him, at the time when he entered the service no enquiry was made about the exact birth date and that the birth date was mentioned as 1-8-1927 by mere assumption. He contended that there were certain employees who had entered service at the age of 16, 17, 14 years etc. and that this would indicate that it was not necessary that the applicant should have completed 18 years of <sup>age</sup> service at the time of joining the service.

According to the applicant he was illiterate and he had no knowledge that his birth date was wrongly entered. Along with the application he has produced at Ex. 9 'G' School Leaving Certificate showing his birth date as 25-2-1931.

3. The respondents resisted the application. They contended that the birth date as entered in the service record is correct and the applicant was not entitled to any relief on the assumption that his correct birth date is 25-2-1931. The respondents also pleaded that under the Railway rules it was necessary for the employee to make an application before 31-7-73 for correcting the birth date if there was any mistake and that the applicant would not be able to agitate the question if he has not made such an application before that date.

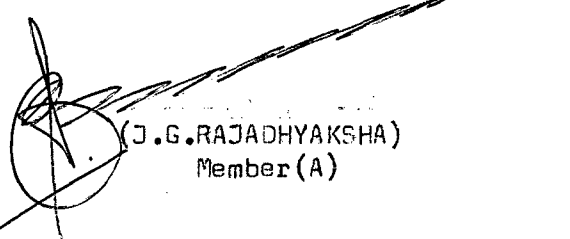
4. We do not intend to consider the question as to whether the railway circular or instructions would be binding wherein it is provided that an application for correction of birth date should have been made before 31-7-1973. We would prefer to decide the matter on merits.

5. It is true that the school leaving certificate produced at Ex. 9 'G' mentions the birth date of the applicant as 25-2-1931. However, there are certain inherent discrepancies therein which would cast a doubt on the correctness of the said certificate. The certificate about the birth date of the applicant is given by Asstt. Inspector of School on 15-4-43. Below that certificate there is also a certificate from the Head Master dt. 22-2-43 stating that the applicant had a good moral character when he was learning in the school. Thus here is the certificate which was initially issued by the Asstt. Inspector on 15-4-43 and below the certificate there is another certificate dt. 22-4-43 by the Head Master. We are at a loss to know how the Head Master certified on 22-2-43 below the certificate dtd. 15-4-43. In view of the peculiar circumstances it would be very difficult to accept it for the purpose of holding ~~that~~ the applicant's correct birth date as 25-2-1931.

6. There is one more aspect which cannot be lost sight of. The applicant was to retire on 1st July, 1985. He did not make any application

for the correction of the birth date till January, 1985. First representation in that respect is made by him on 29-1-85 i.e. about 6 months prior to his retirement and then there are other two representations dt.26-6-1985 and 3-7-85. This delay in making a representation for correcting the birth date cannot be lost sight of particularly when, as discussed above the certificate produced by the applicant cannot be implicitly relied upon. Under these circumstances it would be very difficult for the applicant to contend that his exact birth date is 25-2-31. Consequently, the application is dismissed. There would, however, be no orders as to costs.

*B. C. Gadgil*  
(B.C.GADGIL)  
Vice-Chairman

  
(J.G.RAJADHYAKSHA)  
Member (A)