

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. 83/89

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DATE OF DECISION 30.3.1989

Pundi Seetha Narasimhan Petitioner

Mr. P.T. Abraham Advocate for the Petitioner(s)

Versus

The Comptroller & Auditor General Respondent  
of India & Ors.

Mr. S.R. Atre (for Mr. P.M. Pradhan) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.E. Mujumdar, Member (J)

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

(u)

O.A.83/89

Pundi Seetha Narasimhan,  
Audit Officer,  
O/o. The Director of Audit(G),  
Madhu Industrial Estate,  
Pandurang Budhkar Marg,  
Worli, Bombay - 400 013.

.. Applicant

vs.

1. The Comptroller & Auditor,  
General of India,  
Bahadurshah Zafar Marg,  
New Delhi - 110 001.
2. The Director of Audit(C),  
Madhu Industrial Estate,  
Pandurang Bhudkar Marg,  
Worli, Bombay - 400 013.
3. The Accountant General,  
O/o. The Accountant General I  
(Audit)-I,  
Maharashtra,  
101, Maharshi Karve Road,  
Bombay - 400 020.
4. The Secretary to the  
Government of India,  
Ministry of Home Affairs,  
Department of Personnel  
and Administrative Reforms,  
New Delhi.

.. Respondents

Coram: Hon'ble Member(J) Shri M.B. Mujumdar

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

Appearances:

1. Mr. P.T. Abraham  
Advocate for the  
Applicant.
2. Mr. S.R. Atre  
(for Mr. P.M. Pradhan)  
Advocate for the  
Respondents.

ORAL JUDGMENT:  
(Per M.B. Mujumdar, Member(J))

Date: 30.3.1989

The applicant, Shri Pundi Seetha Narasimhan,  
has filed this application under Section 19 of the  
Administrative Tribunals Act for correcting the birth  
date noted in his service record.

2. The applicant joined service as Auditor  
on 20.1.1955. On the basis of the school leaving certi-  
ficate produced by him his birth date was noted in the

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service book as 2.7.1932. On 15.12.1962 for the first time he made a representation for correcting his birth date as 12.8.1934. In support of that birth date he produced a copy of the horoscope, certificate of birth issued by the Bangalore Corporation and some other documents. By letter dtd. 5.2.1963 <sup>from the</sup> of Accountant General's office he was asked to supply information on the points noted in that letter. The first point was about his age at the time of admission to the school and the year in which he was admitted to the school. Second point was, as to whether there was any restriction on the minimum age for admission in the school and if so what was the prescribed minimum age. The third point was how the mistake in the school record had occurred and the year in which it had occurred. The last point was regarding the documents produced by his parents to the school authorities at the time of admission to school as proof of his age. As he did not reply to that letter by letter dtd. 22.4.1963 the applicant was again asked to submit the information called for in the letter dtd. 5.2.1963. Along with that letter the documents produced by him previously along with the letter dtd. 15.12.1962 were returned to him. The applicant replied on 24.9.1975. He did supply some information but he did not clarify as to when he was admitted in the school. After much correspondence his request for correcting his birth date was rejected by letter dtd. 5.8.1981. Against that rejection the applicant represented to the Comptroller and Auditor General of India on 6.1.1986. That representation was rejected in February, 1987. Being aggrieved by the grounds given in that letter he again represented to the same authority on 18/21-9-1987. But that representation was also rejected on 5.4.1988. Therefore on 23.1.1989 the applicant has filed the present application

for correcting the birth date recorded in his service record from 2.7.1932 to 12.8.1934.

3. As this case is regarding correction of birth date the application was initially placed before a Single Member Bench. But after hearing the applicant's advocate the Single Member directed that the case be placed before a Division Bench. On 23.2.1989 we heard the applicant's advocate and issued notice to the respondents regarding admission. Today again we have heard Mr.P.T.Abraham, learned advocate for the applicant and Mr.S.R.Atre, for Mr.P.M.Pradhan learned advocate for the respondents. After hearing them and considering the facts on record we are of the view that the application does not deserve to be admitted.

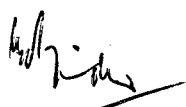
4. It may be noted that the applicant had passed his B.Sc. examination in 1953. The school leaving certificate which he had produced while joining service showed his birth date as 2.7.1932 and hence the same birth date was recorded in his service record. It did not occur to the applicant till 1962 to represent to the authorities for correcting the birth date. As already pointed out by letter dtd. 5.2.1963 some particulars were asked for from the applicant. The first and important particular was his age at the time of admission in the school and the year in which he was admitted. The applicant did reply to this letter. But it was after about 12 years, on 24.9.1975. In that reply also he has evaded the point regarding his age at the time of admission to the school and the year in which he was admitted. P.T.Abraham, learned advocate for the applicant stated before us that the applicant was admitted in 1943 in the VIth standard and he had completed his education upto Vth standard privately without going to any school. But curiously enough the applicant has not

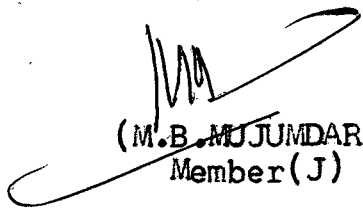
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given this information in his reply dtd. 24.9.1975. This application also is silent about it. Before us the applicant has relied on a horoscope and birth certificate issued by the Bangalore Corporation. The applicant has produced a copy of the horoscope which is in Tamil. Unfortunately its translation is not produced. The applicant was also unable to show the original of that horoscope to us today. We have, however, got <sup>the copy</sup> it read from a Tamil knowing advocate as well as from the applicant. We find that neither the name of the applicant nor the person who prepared the horoscope nor the date on which it was prepared is mentioned therein. Then the certificate of birth issued by the Corporation of the City of Bangalore also does not state the name of the applicant. It is true that in that certificate the father's name was given as Srinivas Iyengar and mother's name as Soundaravalliammal. The birth date mentioned in that certificate is 12th August, 1934. According to the applicant his sister was born on 24.5.1932. To show this he has produced a copy of the extract from the Birth Register in Mysore. It is not possible to express any definite opinion about this circumstance. But what is important is that the certificate of birth from the Corporation of City of Bangalore was taken on 12.2.1959. But he took about three years for making representation for correcting the birth date recorded in his service record. Apart from this the applicant was a Graduate when he joined service. He had produced his school leaving certificate which showed his birth date as 2.7.1932 and that birth date was recorded in his service record. If that birth date was incorrect he should have come to know about it earlier and submitted a representation to that effect. His say before us that he joined the school in 1943 in

Vith standard for the first time is not acceptable. Assuming this to be correct, the birth date noted in the school record at the time of admission must also be equally correct.

5. We, therefore, find no merit in this application and hence reject the same summarily with no order as to costs.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(M.B. MUJUMDAR)  
Member(J)