

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 1157/96

Date of Decision: 14 8 97.

Shri Mahadeo Vithal More .. Applicant

Shri S.S. Karkera .. Advocate for
Applicant

-versus-

Union of India and others. .. Respondent(s)

Shri R.R. Shetty for .. Advocate for
Shri R.K. Shetty. Respondent(s)

CORAM:

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal ?


(B.S. Hegde)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO: 6
PREScot ROAD, BOMBAY:1

Original Application No. 1157/96

14th the Thursday day of August 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Mahadeo Vithal More
residing at B/002,
Bhavishya Darshan,
Ratan Nagar,
Four Bungalows,
Andheri (W) Mumbai.

... Applicant.

By Advocate Shri S.S. Karkera.

V/s.

Union of India through
the Ministry of Labour,
Shrama Shakti Bhavan,
New Delhi.

Central Provident Fund
Commissioner, Hudco Vishala
New Delhi, 14 Bhikaji Cama
Palace, R.K. Puram,
New Delhi.

Regional Provident Fund
Commissioner (Admn)
Maharashtra & Goa
Mumbai.

... Respondents.

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

O R D E R

(Per Shri B.S. Hegde, Member (J))

The only prayer made in this O.A. is
that the entries of the date of birth of the applicant
be modified from 4.2.1942 to 17.4.1943. The applicant
has joined in the department as Lower Division Clerk
in the year 1964. At the time of his appointment
the applicant has produced the School Leaving Certificate

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wherein the date of birth is shown as 4.2.1942. He has also filed attestation form in which the date of birth is shown as 4.2.1942. Further he has also produced certificate of age, Nationality and Domicile issued by the State of Maharashtra in that document also the date of birth is shown as 4.2.1942. The applicant has been appointed as Assistant Provident Fund Commissioner (Gr.I) on the recommendations of the UPSC vide order dated 13.5.1988. He has applied for change of date of birth by letter dated 18.5.92 addressed to Regional Provident Fund Commissioner, Bombay stating that his date of birth has been entered in the school records as 4.2.1942 instead of 17.4.1943. In support of his contention the applicant has furnished date of birth certificate from the Municipal Corporation of Greater Bombay showing his date of birth as 17.4.1943. The representation made by the applicant has been sent to the competent authority at Delhi, who after considering the representation of the applicant informed that the applicant has not adequately explained the circumstances under which a wrong date happened to be entered in the School records and the Affidavit also does not confirm that " Madhu Vithu More" and "Mahadeo Vithal More" is one and same person. Thereafter his request has further considered and on perusal of his original application and copies of certificates shown that no mistake has been committed by the Employees Provident Fund Organisation in recording his date of birth which is based on his own declaration as well as the Higher Secondary Certificate furnished by him.

There are no grounds explaining satisfactorily, why he did not represent in time or as a first step, get his date of birth rectified in matriculation certificate. Further there has been no independent investigation to verify the genuiness of the certificate issued by Municipal Corporation of Greater Bombay. Ultimately his request for change of date of birth as not been acceded to by the Competent authority. Thereafter he has filed this O.A. on 20.11.96 seeking change of date of birth.

The learned counsel for the respondents, Shri Shetty submits that in support of change of date of birth the applicant has produced the certificate of Age, nationality and domicile issued by the State of Maharashtra dated 4.10.1963. He has also submitted S.S.C. certificate showing his date of birth as 4.2.1942. The respondents further submits that the applicant in his 32 years of service got promotions to the various posts from time to time and has reached the post of Regional Provident Fund Commissioner(Grade II) in the scale of pay of Rs. 3000/- to Rs. 4500/- and at present he is working in Regional Office, Calcutta. The respondents further submits that the applicant after putting 27 years of service in the Organisation, applied for change in his date of birth in service records vide his representation dated 18.5.1992 . The competent Authority examined the request of the applicant in consultation with Ministry of Personnel, Public Grievances and

Pension, Department of Personnel and Training, New Delhi and also as per conditions laid down in Note below F.R.56. According to the Note No.6 below F.R. 56, the alteration in the date of birth of a Government servant can be made subject to the following conditions:

- (a) A request in this regard is made within five years of his entry into Government service.
- (b) It is clearly established that a genuine bonafide mistake has occurred , and
- (c) The date of birth so altered would not make him ineligible to appear in any school or University or UPSC Examination in which he had appeared or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.

In the light of the above, the alteration of change of date of birth in official record is not justified as the applicant has not made the request within five years of his entry into Government service. The Supreme Court in the case of Union of India V/s. Harnam Singh held that the Tribunal was justified in issuing the direction in the manner in which it was been done. The application for correction of date of birth, entered in the service book in 1956, for the first time made in September 1991, was hopelessly belated and did not merit any consideration.

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The applicant has not made out any case for my interference in the case. After hearing both the parties and on perusal of the records, I do not find any merit in the O.A. Accordingly O.A. is dismissed at the admission stage itself.


(B.S. Hegde)
Member (J)

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