

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 409/1996

Date of Decision: 17.3.92

Babulal Dattatraya Sukenkar

Petitioner/s

Shri Suresh Kumar for
Shri G.T.Deshmukh

Advocate for the
Petitioner/s

V/s.

General Manager, Currency Note
Press, Nasik.

Respondent/s

Shri V.S.Masurkar

Advocate for the
Respondent/s

CORAM:


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

Hon'ble Shri

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

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

abp.


(B. S. HEGDE)
MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6,PRESCOT RD,4TH FLR,

MUMBAI- 400 001.

ORIGINAL APPLICATION NO: 409/96.

DATED THIS 12th DAY OF MARCH, 1997.

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

Babulal Dattatraya Sukenkar
Batch No. N.L.34,
Gosaviwadi,
At-Nashik-Road, 422 101.
Dist. Nashik.

... Applicant.

By Advocate Shri Suresh Kumar for
Shri G.T.Deshmukh.

Vs.

1. General Manager,
New Currency Note Press,
At-Nashik-Road - 422 101
Dist. Nashik.
2. General Manager,
M/s. Usha Nigam,
under secretary and
Director (Currency & Coinage),
Ministry of Finance,
New Delhi.
3. Union of India,
Ministry of Finance,
Mantralaya,
At-New Delhi.

... Respondents.

By Advocate Shri V.S.Masurkar.

ORDER

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

Heard Shri Suresh Kumar for Shri G.T.Deshmukh for
applicant and Shri V.S.Masurkar for respondents.

The short point for consideration is whether the prayer made in the OA seeking change of date of birth from 15/7/36 to 21/3/39 is justified in the facts and circumstance of the case. He states that he joined the respondents department in the year 1961, since his father was illeterate while admitting him to primary school, he gave birth date as 21/3/39 to School Authorities, but the Head Master erroneously enrolled as 15/7/36. The applicant had no occasion to get knowledge about this wrong entry of birth date for a long time.

Bel

2. It is just a coincidence that his mother was very serious from severe Heart Attack and also suffering from Diabetes in the year 1994. During her illness while serving his mother he came to know that his date of birth is 1939 and ~~not 1936 as mentioned by the~~ respondents in his service record and retired him on 31/7/96.

3. It is true that he made representation as late as 9/11/95 just before retirement, which has been considered by the respondents department and gave a reply on 19/3/96 stating that regarding correction of the date of birth in his service record, change in date of birth at the fag end of service merely on the basis of affidavit or Birth extract from Grampanchayat, etc. is not covered under rules. His date of birth has been accepted and recorded on the basis of school leaving certificate declared/produced by the Government servant at the time of appointment, hence his request at a belated stage before his superannuation in July, 96 could not be considered. Thereafter, he filed this OA seeking for aforesaid relief.


4. In view of the Office Memorandum of the Deptt. of Personnel and Administration No.19017/7/79-Est(A) dated 30/11/79 A Government servant is allowed to ~~get corrected~~ his date of birth within 5 years from the date of joining the service., whereas in the present case, the applicant has submitted his application after a period of 35 years requesting change in date of birth which is not permitted as per rules. Change in the date of birth at the fag end of service merely on the basis of affidavit or Birth extract from Nagapalika/Grampanchayat is not covered under the rules. His date of birth has been accepted and recorded on the basis of school leaving certificate declared/produced by the Government servant at the time of his appointment and hence his request at a belated stage before retirement on superannuation in July, 96 ~~could~~^{not} be acceded to.

Bh

5. The Apex Court on more than one occasion has held that entertainment of writ application/original application made by the employees when they are due for retirement is unwarranted. It is also observed that Tribunal should not give overindulgence to employees by overriding administrative decisions on technical grounds. Admittedly, the applicant has not furnished any trustworthy documentary evidence in order to change the date of birth.

6. Therefore, in our view, the decision taken by the respondents in rejecting the representation of the applicant is just and proper and cannot be assailed. Accordingly, I do not find any merit in the OA and the same is dismissed with no orders as to costs.

abp.


(B. S. HEGDE)
MEMBER (J)