

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 4TH DAY of MARCH, 1987.

Present : Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 1681/86

Shri Shankargouda,
Sub-Post Master,
Mudgal,
Raichur Division,
Raichur.

... Applicant

(Shri M. Raghavendra Achar)

V.,

1. Superintendent of Post Offices,
Raichur Division,
Raichur.

2. Post Master General in
Karnataka, Bangalore.

3. Director General,
P & T Board,
New Delhi.

... Respondents.

(Shri M. Vasudeva Rao, CGSC)

This application having come up for hearing to-day
Hon'ble Shri P. Srinivasan, Member (A) made the following.

ORDER

The applicant joined as a Postman in the Post and Telegraph Department on 1.10.1949. In his service register, his date of birth was recorded as 10.10.1928 corresponding to Fasli Era 5.1.1338. In 1959, the applicant passed the Secondary School Leaving Certificate Examination and according to the certificate issued to him on that

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a change in his date of birth without holding enquiry was illegal. He contended that the reason given in the reply that no change in the date of birth would be entertained after completion of probation or quasi permanency was not a proper explanation. If the applicant was able to produce sufficient evidence to prove his correct date of birth, the authorities were bound to correct any error in the service book, irrespective of when the applicant moved in the matter. In this connection, he relied on the following three decisions:-

- 1) 1979 AISLJ 660 SRI SURENDRA SINGH Vs DIVISIONAL ENGINEER, TELEGRAPH~~S~~, ALLAHABAD.
- 2) 1986 AISLJ 264 BISWANATH MITRA Vs UNION OF INDIA
- 3) A.T.R. 1987 (1)C.A.T.103, CHARLES WILSON Vs UNION OF INDIA AND ANOTHER.

4. Shri M. Vasudeva Rao, learned counsel appearing on behalf of the respondents contested the arguments of Shri Achar. When the applicant entered service his date of birth had been recorded and duly attested as early as 1949, and he had verified his service book from time to time. He could not be allowed to change the said date of birth nearly 33 years later on the verge of his retirement. Moreover, if the date of birth now mentioned by him is accepted as the correct date of birth, the applicant would have been less than 18 years of age when he entered service and would not have been eligible for appointment. Therefore Shri Rao

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contended that the application should be dismissed. He pleaded that 33 years constituted an unreasonable delay on the part of the applicant for approaching the department and therefore the department was perfectly right in refusing to consider his request.

5. We have considered the rival contentions very carefully. Irrespective of any rule or instruction governing the subject, we are of the view that any request for change of date of birth, unless made within a reasonable period after the original entry in the service book, cannot be allowed. There has to be a finality about the entries in the service book and a Government servant should not be allowed to tinker with the same throughout his career upto the date of his retirement. This is a salutary principle and Government cannot be flooded with requests for change of date of birth after an entry is made in the first instance after verification and is confirmed by the Government servant himself from time to time. In the present instance, the request for change of date of birth was made 33 years after the original entry in the service record. According to the entry in the service record, the applicant was due to retire within 4 years after the date on which he made the representation. The decisions relied by the learned counsel for the applicant do not help him in any way. The question as to whether a request for change of

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date of birth is made within a reasonable time or is too belated to be entertained would depend on the facts of each case. In SURENDRA SINGH'S CASE AI SLJ 1979 660, the Allahabad High Court noticed that the School Leaving Certificate was presented by the petitioner to the authorities much earlier than the date of his formal request for change of date of birth. The authorities had not taken note of the date of birth when the SSLC certificate was shown to them. Therefore the petitioner could not be held guilty of delay. In Biswanath Mitra's case decided by the Calcutta Bench of this Tribunal also, it is recorded that the applicant had produced a copy of the matriculation certificate early in his career and in those circumstances, it was held that the delay in making the representation should not be held against him. In Charles Wilson's case decided by the Jabalpur Bench of this Tribunal, it was noticed that on 30.10.62 when the applicant joined service "the column regarding other documents is vacant in the form which has established that the necessary school certificate was not the basis of recording the date of birth". In other words, the SSLC certificate was available when the entry in the service book was made but no reference had been made to it indicating that the authorities had not applied their mind to the documents produced before them. It was in these circumstances that the Tribunal ordered

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that there was no bar to correction of an entry which had been made without reference to the basic documents. In the present case, the date of birth was duly recorded and attested in 1949 itself and continued unchanged in the service book till 1982. None of the circumstances which obtained in the cases relied on by learned counsel for the applicant are found here. Therefore in the facts and circumstances of this case, we are of the view that the authorities were right in refusing to consider the applicant's request for change of date of birth made 33 years after entry into service and 4 years before the date of his retirement.

6. In the result, the application is dismissed. Parties should bear their own costs.

Mr. Srinivasan
4/3/87
(K.S. PUTTASWAMY)
VICE-CHAIRMAN
4.3.87

P. Srinivasan
4/3/87
(P. SRINIVASAN)
MEMBER (A)
4.3.87.

GR/Mrv.