

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY - 400 614

OA 185/91

Smt. Tarcilla Alois Bara
1171 Building No.130, Sector I
Central Govt. Staff Quarters,
Antop Hill;
Bombay 400037

.. Applicant

V/s

1. Union of India
through Director General
of Tourism; Govt. of India
Transport Bhavan; New Delhi-110001

2. Regional Director
Tourism Department
Government of India
Tourist Office
123 Maharshi Karve Road
Bombay 400020

.. Respondents

Coram: Hon. Shri Justice U C Srivastava, V.C.
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Dr. R S Kulkarni
Advocate
for the applicant

Shri M I Sethna
Counsel
for the respondents

ORAL JUDGMENT

DATED: 19-7-1991

(PER: U C Srivastava, Vice Chairman)

The applicant was appointed as Lower Division Clerk on 16.3.83 on compassionate grounds, and she has attained the age of superannuation. She has approached this Tribunal challenging the order dated 1.4.1991 with the prayer that the respondents be directed to correct her date of birth as 17.4.1935 in her service record and she may be allowed to work till 30.4.1993 based on corrected date of birth and pay her salary, admissible allowances and other legal dues.

The applicant's husband was working as Assistant Director in the office of Respondent and he retired voluntarily on medical grounds. The applicant was appointed on compassionate grounds thereafter. In her application

(11)

for appointment she has stated that her date of birth was 17.4.1935 as per Baptism Certificate. She also produced the Baptism Certificate later on and requested that her date of birth in the service records may be corrected, vide her letter dated 22.5.1990. She made an application to her school and the principal corrected the date of birth as 17.4.1935. She also submitted the school authorities certificate to the appointing authority apart from that she also submitted certificate showing that she belongs to Scheduled Caste. Her representation was forwarded for kind consideration, but it was ultimately rejected. She made a further representation to the Regional Director, Government of India, for correcting her date of birth under letter dated 27.9.1990 enclosing Baptism certificate, affidavit and other certificates. A reference was also made to her affidavit dated 13.6.1968 which was made 15 years prior to her ad hoc appointment, that her correct date of birth is 17.4.1935. Failing to get redressal the applicant approached this Tribunal.

The respondents in their counter written statement have stated that her date of birth is 17.4.1933 as per her S.C.C. certificate as well as the transfer certificate both of which were produced by the applicant were taken into consideration and that the Baptism Certificate was not taken into account. In her service book her date of birth is recorded as 17.4.1933 and in the GPF record also the same date of birth is recorded and hence the correction was not made. Merely because a recommendation was made in her favour she will not be benefitted by it.


We have heard the learned counsel for the parties. It is true that she has a certificate showing that she was born in 1935, and the principal of the school has also

5

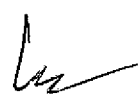
has ~~corrected~~ the date of birth, but her age in the SSC certificate has not yet been corrected which is the official ~~fix~~/record. It appears that the principal has not yet approached the authorities for correction of her date of birth based on her birth certificate and birth register.

If there would have been a correction in the SSC certificate also the respondents would ~~may~~ be more or less under compulsion to correct her date of birth. But so long as her date of birth continues to be 17.4.1933 in her SSC certificate it cannot be said that the respondents are wrong in not correcting her date of birth in the service record and allowing her to continue in service till 1993. In case the applicant succeeds in getting her date of birth corrected in SSC certificate there appears to be no reason why the respondents would not correct the same in ~~service~~ record and allow its benefits to the applicant. In case the applicant approaches the authorities it should not take more than three or four months for correction if the authorities find that the corrections are required.

With the above observations the application is disposed of with no order as to costs.



(MY PRIOLKAR)
M(A)



(U C SRIVASTAVA)
VICE CHAIRMAN