

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 1281/92

Transfer Application No: ---

DATE OF DECISION 20-10-93

Madhukar Tukaram Jagtap

Petitioner

Mr. S. S. Lanke

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. J. G. Savant


Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman

The Hon'ble Shri ---

1. ~~Whether Reporters of local papers may be allowed to see the Judgment ?~~
2. To be referred to the Reporter or not ? *NI*
3. ~~Whether their Lordships wish to see the fair copy of the Judgment ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? *NI*

  
(M. S. DESHPANDE)  
Vice-Chairman

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.1281/92

Madhukar Tukaram Jagtap,  
38, Narayan Peth,  
Shivaji Chowk, Kalyan,  
Dist: Thane 421 301.

.. Applicant

-versus-

1. Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.
2. The Divisional Railway  
Manager(Personnel)  
Central Railway,  
Bombay V.T.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman.

Appearances:

1. Mr.S.S.Lanke  
Advocate for the  
Applicant.
2. Mr.J.G.Savant  
Counsel for the  
Respondents.

ORAL JUDGMENT: Date: 20-10-93  
(Per M.S.Deshpande, Vice-Chairman)

The applicant by this application  
seeks alteration of his date of birth from 24-12-38  
to 24-12-34 and ancillary benefits.

2. The applicant entered service with  
the Railways as Khalasi on 23-9-1954. He was  
promoted as Junior Clerk on 28-3-1965, thereafter  
on 7-3-1970 he has changed his cadre from Junior  
Clerk to the Ticket Collector. According to the  
applicant he learnt from his mother in August,  
1992 that he was actually born at Nashik in the  
year 1938. He therefore approached Nashik  
Municipal Corporation and got the birth certi-  
ficate. He was however, superannuated on 31-12-1992  
on the basis of his date of birth being 24-12-34.

3. Shri Lanke, learned counsel for the applicant urged that he could not have correct information about his actual date of birth until the disclosure about the year was made by his mother and even the identity card which was issued to him by the respondents at Annexure 'A' showed his date of birth as 24-12-38. The application for change of date of birth was made on 20-8-1992 though the identity card <sup>bearing</sup> exhibited the date of birth as 24-12-38, was issued on 7-5-1974. There is no satisfactory explanation besides what has been stated about the disclosure made by the mother why steps were not taken <sup>earlier</sup> for alteration of date of birth. In view of the latest judgment in the case of Union of India vs. Harnam Singh (AIR 1993 SC 1367) it is difficult to entertain the present application. The Supreme Court observed that: "A Government servant who makes an application for correction of date of birth beyond the <sup>time,</sup> so fixed, therefore, cannot claim, as a matter of right, the correction of his date of birth even if he has good evidence to establish that the recorded date of birth is clearly erroneous. The law of limitation may operate harshly but it has to be applied with all its rigour and the courts or tribunals cannot come to the aid of those who sleep over their rights and allow the period of limitation to expire." In the circumstances the application has to be dismissed and it is dismissed.

(M.S.DESHPANDE)  
Vice-Chairman