

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

O.A. No. 93/92  
 XXXXXXXX

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DATE OF DECISION 23.4.1992

Shri S.K.Amarnath \_\_\_\_\_ Petitioner

Shri G.S.Walia \_\_\_\_\_ Advocate for the Petitioner(s)

Versus

Union of India & anr. \_\_\_\_\_ Respondent

Shri Subodh Joshi \_\_\_\_\_ Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. M.Y.Priolkar, Member (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 93/92

Shri S.K.Amarnath  
vs.

... Applicant

Union of India & anr.

... Respondents

CORAM: Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Mr.G.S.Walia  
Advocate  
for the Applicant

Mr.Subodh Joshi  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 23.4.1992

(PER: M.Y.Priolkar, Member (A)

The applicant in this case who is ~~the~~ Railway employee was born at Lahore, prior to the partition and after coming to India he stated he had changed his residence from time to time until the applicant's father got a job in Railway Workshop in Parel. According to the applicant he was admitted in Anjuman-I-Islam's Kurla Boys' School, Kurla. He left the school in July 1950. The applicant was appointed as a Khalasi in class IV category on 7.5.1957 and it is the applicant's contention that at the time of his appointment no proof of his age was asked for by the Railway Authorities and the same was assessed as 23 years and the date of birth was recorded as 7.5.1934. The grievance of the applicant is that this date of birth has been wrongly recorded and his correct date of birth is 1.1.1937. The applicant, therefore, ~~pressed~~ <sup>pleads</sup> for a direction to the respondents to change the date of birth as entered in service record to 1.1.1937 so that his date of superannuation may be determined on the basis of the correct date of birth.

2. When the case had come up before the Tribunal on 30.1.1992 for admission, it was directed that a commission be appointed consisting of a responsible officer of the department at the cost of the applicant to verify the actual date of birth as prayed for in the application. Accordingly, the respondents had nominated an officer of the department who submitted a report after ascertaining the facts. The learned counsel for the respondents had submitted today a copy of the report submitted by Shri F.Chinnaswamy, Sr.Personnel Inspector, Central Railway, in which he <sup>has</sup> stated that he has visited Anjuman-I-Islam's, Kurla High School, Kurla on 7.3.1992 and has verified from the General Register maintained in the school that the date of birth of the applicant has been recorded therein as 1.1.1937.

3. It is well settled that if the date of birth is wrongly recorded, <sup>it</sup> can be corrected provided authentic documentary evidence is produced by the applicant. The learned counsel for the respondents admitted that in view of the report submitted by the Sr.Personnel Inspector, they have no doubt about the genuineness of the ~~report~~ <sup>document</sup> submitted by the applicant in support of his prayer for changing the date of birth as 1.1.1937. The application is, accordingly, allowed and the respondents are directed to correct the date of birth of the applicant in service record as 1.1.1937 and ~~that~~ his date of superannuation be determined on the basis of that <sup>date of birth</sup>. The application is disposed of finally with the above direction with no order as to costs.

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M.Y.PRIOLKAR  
MEMBER (A)