

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 356/92

199

T.A. NO:

DATE OF DECISION 28-4-92

Shri V.T.Sonawane Petitioner

Shri S.P.Kulkarni Advocate for the Petitioners

Versus

Union of India Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Ms.~~ Ms. Usha Savara, Member(A)

The Hon'ble Mr.

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

U. Savara
(Ms. Usha Savara) 28.4.92
Member(A)

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
Original Application No.356/92

Shri V.T.Sonawane,
Solapur

..

Applicant

vs

Union of India through
Director General Dept.
of Posts, New Delhi.

..

Respondent

Coram: Hon'ble Ms. Usha Savara, Member(A)

Appearance:

Shri S.P.Kulkarni
for the applicant

Shri P.M.Pradhan
for the respondent.

Dated: 28-4-92

Judgement

(Per: Ms. Usha Savara, Member(A))

This application has been filed for altering the date of birth. The applicant has been working in the postal department since 15-12-58. The School Leaving Certificate had been produced as a document for proof of age. At present he is working as Senior Superintendent Post Offices Solapur division. It is the case of the applicant that at the time of his daughter's marriage on 18-12-90, one of his contemporaries ~~Q. E. T.~~ informed the applicant that he was to retire in 1995. He was also told by his friend that they were born in the same year. He made enquiry with the Municipal Corporation at Solapur and found that the correct date of birth recorded in the Corporation was 15-8-36. His representation to D.G.(Post), New Delhi on 25-9-91 was rejected as he did not fulfill the condition under FR 56 in Note 6. Learned counsel appearing for the respondent argued vehemently on the point of delay in making the representation. However, on enquiries made at Solapur by the department, the fact that the

correct date of birth of the applicant was 15-8-36 has been confirmed. The genuineness of the certificate of the Municipal Corporation is not questioned. The only reason for rejecting the claim of the applicant was the delay in making his claim. However, it has been held by several Benches of the CAT that even at the fag end of service where in the matters of change of date of birth there has been a bonafide error the courts of law must take a liberal view provided the Government servant has not derived any undue benefit by his wrong recorded date of birth, and his conduct has been sincere innocent and honest.

2. In view of this, the application is allowed and the order dated 9-3-1992 rejecting his representation is quashed. The date of birth of the applicant will be rectified in the service record from ¹⁴ 6-6-1934 to 15-8-1936. There is no order as to costs.

U. Savara
28.4.92

(Ms. Usha Savara)
Member(A)