

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 373/92

199

T.A. NO:

DATE OF DECISION 18/6/92

Shri B.D. Gaikwad

Petitioner

Shri A.A. Jadhav

Advocate for the Petitioners

Versus

Senior Divisional Electrical Respondent

Engineer, Central Railway  
and others.

Shri S.C. Dhawan

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~XX~~ 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

mbm\*

*U. Savara*  
(USHA SAVARA)  
MEMBER (A) 18/6/92

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 373/92

Shri B.D. Gaikwad

.... Applicant.

V/s.

Senior Divisional Electrical  
Engineer, Central Railway  
and others.

.... Respondents.

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

Appearance:

Shri A.A.Jadhav  
for the applicant.

Shri S.C.Dhawan  
for the respondents.

JUDGEMENT

Dated: 18.6.'92

[ Per Ms. Usha Savara, Member (A) ]

This application has been filed by the applicant seeking alteration in date of birth as recorded in Service-book. The date of birth recorded in the Service-book is 15.7.'34, according to which the petitioner will stand retired on 31.7.'92. The applicant alleges that his actual date of birth is 2.8.'35. A representation for alteration in date of birth was made by the applicant for the first time on 15.7.'91, which was rejected by the competent authority on 23.9.'91 (Anx.B). An advocate's notice was served by letter dated 18.11.'91. This application has been filed on or about 9.4.'92

Mr. S.C.Dhawan, learned Counsel for the respondents, in response to the averments made by Shri Jadhav, Learned Counsel for the applicant stated that the date of birth was entered in the service register on the basis of school certificate, which was furnished by the applicant. The applicant made ~~his~~ first representation for change of date of birth only on 15.7.'91. He had not even

requested the authorities for changing the date shown in his school leaving certificate, and therefore, he was precluded, at this late stage to have the date of birth altered.

I have heard the learned counsel and perused the record. The legal position is that if a person seeks alteration in date of birth at the fag end of his career, the same is not ordinarily acceded to. In this case, the applicant entered service in 1959. The request for change of date of birth was made for the first time on 15.7.'91. In the case of Dharmpal Vs. U.O.I. (1989) 11 ATC 236, the Delhi Bench of the Tribunal dismissed the petition as barred under doctrine of laches and delay, despite the fact that the change was sought on the basis of a matriculation certificate. The Calcutta Bench of the Tribunal, in the case of Saryu Prasad Vs. U.O.I. (1989) 9 ATC 93 rejected the claim of the applicant on the ground that the change was desired at the fag end of service career. In O.S. Bajpayee Vs. U.O.I. (1989) 9 ATC 540, the Delhi Bench laid down the rule that an entry in the service register about the date of birth renders <sup>an</sup> ~~an~~ element of inviolability to it. Thus taking into account the decisions and the facts of the case, I am of the opinion that change in date of birth in the instant case has been rightly refused.

In the circumstances, I dismiss the application as being devoid of any merit, but with no order as to costs.

*U. Savara*  
(USHA SAVARA) 12/6/92.  
MEMBER(A)