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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

O.A.1123/93.

Shri B.S. Shelar.

.. Applicant.

v/s.

Union of India & Others.

.. Respondents.

Coream : Hon'ble Member (J) Shri B.S. Hegde.

Appearances:

None for the applicant.

Mr.R.K. Shetty, Counsel
for the respondents.

ORAL JUDGMENT :

Date : 6.6.1994.

[Per : Hon'ble Shri B.S. Hegde, Member (J)]

Inspite the case is being called twice nobody
appeared for the applicant.

2. The relief sought in the application is that the decision of the respondents in the matter conveyed by them vide letter dated 1.12.1992 be quashed and set aside, wherein the respondents have to consider the matter and the documents produced pertaining to his birth date and they be directed to record the correct date of birth in the service book of the applicant.

3. Admittedly, the applicant has joined the service as a Casual Mazdoor on 20.6.1959 at that he had not produced any proof of his date of birth at the time of joining the service due to non production of any proof of the date of birth, the respondents were forced to assess his age through medical authorities as per the procedure laid down and in vogue then for recording of the date of birth under Army Instructions No. 200/55, however, the applicant has been shown on several

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occasions his service book which have been signed by him wherein his date of birth has been mentioned as 16.7.1937. Subsequently the applicant has furnished a certificate to support his date of birth as 22.6.1941, after a period of 34 years in service. The said certificate is given by the Tahsildar, Haveli, Pune. In this connection the respondents submitted that FR-56 clearly states that a Government employee cannot request for change of date of birth after more than 5 years have elapsed from the date of appointment and or within 5 years from the date of incorporation of Note-5, FR-56. Since the claim of the applicant is clearly barred by limitation and in support of their contention they relied upon the Judgment of the Supreme Court in Union of India Vs. Harnam Singh in Civil Appeal No.502/of 1993 wherein the Court held that change in date of birth after prolonged period on the ground of laches and also stated that the veracity of the applicant's statement cannot be relied upon.

4. As stated above, the application is barred by time, and raised change of date of birth after 35 years of service therefore, in the light of the decision of Supreme Court cited above the same has no merit and the same is dismissed but no order as to costs.


(B.S. HEGDE)
MEMBER (J).