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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 439/93

Transfer Application No:

DATE OF DECISION 9.7.93

Shri Ranganath Marotirao Nikalje Petitioner

Shri P.V. Daware Advocate for the Petitioners

Versus

Chief Personal Officer Respondent

South Central Railway,
Rail Nilayam, Secunderabad and others.

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri

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 ?

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(M.Y. PRIOLKAR)
MEMBER (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 439/93

Shri Ranganath Marotirao Nikalje

... Applicant.

V/s.

Chief Personal Officer
South Central Railway
Rail Nilayam,
Secunderabad

Chief Administrative Officer
(Construction)
South Central Railway
Secunderabad.

Deputy Chief Engineer
(Construction),
South Central Railway
Aurangabad.

... Respondents.

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

Appearance:

Shri P.V. Daware, counsel
for the applicant.

ORAL JUDGEMENT

DATED: 2.7.93

{ Per Shri M.Y.Priolkar, Member (A) }

The grievance of the applicant in this case
is that his correct date of birth is 4.7.39, but it
has been wrongly recorded in the service record as
4.7.35 and that he is now being superannuated on the
basis of this incorrect date of birth.

2. Notice had been issued earlier on 18.6.1993
to the respondents for todays hearing. But there is
no appearance on behalf of the respondents. This
application is accordingly disposed of finally after
going through the application and hearing the learned
counsel for the applicant.

3. The applicant who is now working as Chief
Draftsman under South Central Railway, Aurangabad
was initially appointed in the Railways on 12.1.65 as
Assistant Draftsman. The applicant's contention is that
the date of birth was wrongly recorded in the service

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register maintained by the respondents as 4.7.35. According to the applicant, he has now produced a certificate from Head Master, Central Primary School, Golatgaon, T.Q. & Dist. Aurangabad to the effect that his date of birth is 4.7.39. His prayer, therefore, is that the respondents be directed to correct the service record by entering this date of birth, namely 4.7.39, instead of 4.7.35, in original records.

4. The applicant has stated in the application and it is confirmed by the learned counsel for the applicant that earlier the wrong date of birth, namely 4.7.35, came to be recorded in the service record maintained by the respondents on the basis of ~~the~~ certificate issued by the Secondary School Certificate Examination Board, Bombay H.S.C. (Technical) Examination (Marathwada), which shows the date of birth as 4.7.1935. Admittedly this S.S.C. certificate was produced by the applicant himself at the time of his original appointment and there is no error on the part of the Administration in entering the date of birth in the service register as 4.7.35. It is also clear that the applicant was well aware of the fact that the S.S.C. Certificate shows the date of his birth as 4.7.35 and therefore if he had any knowledge that it was an incorrect entry, he should have taken up the matter with the S.S.C. Board in time for correcting the date of birth and then approached the Administration with correct S.S.C. Certificate. There is no evidence on record that ^{such} any action has been taken by the applicant. Although the learned counsel for the applicant states that a number of representations were made by the applicant to the Administration in this regard, the only representation on record is the one dated 29.3.93 which also does not make any reference to any previous representations.

5. An entry regarding date of birth in the service record which has remained unchallenged almost for 28 years, as in this case, could be considered for correction provided authentic and genuine documentary proof was available regarding the correct date of birth. The certificate of a Primary School produced by the applicant now cannot be considered to be such unimpeachable evidence. Between a certificate of a Primary School and a certificate of S.S.C. Board, a Government agency, obviously the S.S.C. certificate will have to be preferred if different dates of birth are given in the two certificates.

6. In view of the above I do not consider that this is a fit case for interference by this Tribunal. The application is accordingly dismissed with no order as to costs.

(M.Y.PRIOLKAR)
MEMBER(A)

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