

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 574/93

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DATE OF DECISION 22.12.1993

V K Kalangutkar ----- Petitioner

Mr. B Dattamurthy ----- Advocate for the Petitioners

Versus

Union of India & Ors. ----- Respondent

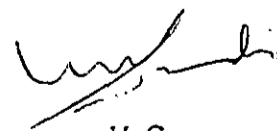
Mr. R K Shetty ----- Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

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 ?


V.C.

NS/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD; BOMBAY-1

OA No. 574/93

V K Kalangutkar ..Applicant

V/s.

Union of India & Ors. ..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

APPEARANCE:

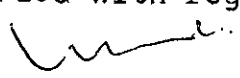
Mr. B. Dattamurthy
counsel
for the applicant

Mr. R K Shetty with Mr. Ravi Shetty
counsel
for the respondents

ORAL JUDGMENT: DATED: 22.12.1993
(Per: M.S. Deshpande, Vice Chairman)

The grievance of the applicant is that he was wrongly retired by taking into consideration his date of birth as 21.6.1935 though it was in fact 26.12.1935 as recorded in his S.S.C. certificate and he should have retired actually at the end of December 1993 instead of 30.6.1993. Reliance has also been placed on the seniority list which was published in November 1992 in which the applicant's date of birth has been shown to be 26.12.1935.

Shri Dattamoorthy, counsel for the applicant urged that he had asked for the production of the Index Card on the basis of which the Service Book entries are made, but that has not been produced by the respondents to-day. The respondents have, however, produced the service book of the applicant. The applicant's date of birth as recorded in the Service Book was 21.6.1935 and it bears the signature of the applicant dated 10.4.1989. In the declaration dated 17.6.1963 the applicant has stated that he had gone through the service book and that he was satisfied with regard to ^{the entry of his} ~~his~~ date of birth being 21.6.1935.




It is therefore clear that no dispute regarding the applicant's date of birth was raised since the applicant's entry in service and even when there was an opportunity on 17.6.1963 to have the mistake rectified. The signature of the applicant at several places in the Service Book show that he had occasions to see the service book from time to time but he made no attempts to have the service book rectified so far as it related to entries regarding his date of birth.

Shri Dattamoorthy urged that the applicant may have signed without verifying each and every entry and relying ^{ed on} the circumstance that the SSC certificate bore the date of birth as 26.12.1935. It is difficult to accept this contention. Obviously the applicant had the opportunity to verify the correctness of his date of birth as far back as in the year 1963 ^{and} it is difficult to agree that his date of birth was something different. The applicant had sent a telegram in the year 1992, a year before his retirement when he was told to file the pension papers. The official letter dated 9th November 1992 shows that the request for change in date of birth is to be made within five years of entry into Government service, if it is clearly established that a genuine clerical mistake had occurred. The department, therefore refused to make any modification in the date of birth. The applicant actually retired on 30.6.1993 and considering the material which was before the department and the declaration which the applicant himself had sent it is not possible to accept the applicant's submission that his date of birth was

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incorrectly recorded. The application is, therefore,
dismissed with no order as to costs.


(M.S. Deshpande)
V.C.

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