

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 522/98

Date of Decision: 3.3.1999.

A.N.Patil.

.. Applicant

Mr.S.S.Karkera

.. Advocate for
Applicant

-versus-

Union of India & Anr.

.. Respondent(s)

Mr.V.S.Masurkar

.. Advocate for
Respondent(s)

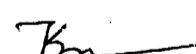
CORAM:

The Hon'ble Shri Justice K.M.Agarwal, Chairman.

The Hon'ble

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal ?


(K.M.AGARWAL)
CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.522/98.

WEDNESDAY, THIS THE 3RD DAY OF MARCH, 1999.

Coram: Hon'ble Shri Justice K.M.Agarwal, Chairman.

A.N.Patil,
D/2, P & T Colony,
Santacruz,
Bombay - 400 029.
(By Advocate Mr.S.S.Karkera)

... Applicant.

V/s.

1. Union of India through
the Director General,
Department of Post,
Dak Bhavan,
New Delhi.
2. Chief Post Master General,
Maharashtra,
G.P.O. Mumbai.
(By Advocate Shri V.S.Masurkar)

... Respondents.

: O R D E R (ORAL) :

(Per Shri Justice K.M.Agarwal, Chairman)

By this O.A. the applicant has made a prayer for directing the respondents to change his date of birth from 19.7.1957 to 5.9.1958 in his Service Records.

2. Briefly stated, the applicant joined the services of the respondents as a Postal Assistant w.e.f. 3.3.1980. On the basis of his School Leaving Certificate (at page 16 of the paper book) his date of birth appears to have been recorded in his service records as 19.7.1957. I am informed that at the time of joining the services of respondents, the applicant had passed Higher Secondary Certificate (HSC) examination and in the certificate granted to him by the Board, his date of birth was shown as 19.7.1957. In 1983, it appears that the applicant applied for correction of his date of birth on the basis of

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a copy from the Birth and Death Register pertaining to Pen Taluka, District Raigad issued by the office of the Tahsildar, Pen. The prayer appears to have been rejected by the respondents by order dt. 21.3.1988 (which is at page '23' of the paper book). It appears that again a representation was made for changing the date of birth which was again rejected by the impugned order (Ex.'A' at page 13 of the paper book). Being aggrieved, the applicant has filed the present OA seeking change of date of birth.

3. After hearing the learned counsel for the parties, I am of the view that no case is made out for granting the relief prayed for by the applicant in this OA. At the time of entry into the service, the applicant's date of birth was correctly recorded by the Department on the basis of the School Leaving Certificate. No attempt was ever made by the applicant to get the date of birth changed from the School authorities or from the Board. Only after entry into the government service with the respondents, it appears that he made an attempt to get his date of birth changed by making an application in 1983, which was rejected in 1988. But, this OA was filed in 1998 and no explanation is given for the delay. The copy of entries from the Birth and Death Register issued from the office of the Tahsildar cannot be relied upon, because the entry appears to be suspicious. As per rules, immediately after the date of birth the Parents or Village Kothwal is required to notify the birth or death of any person to the nearest Police Station soon after such an incident. On the date of birth, the new born child is generally not described by name, because by then child is seldom named. It is further to be noted that in the prescribed form there is a column for date of birth as also a column for the date of information received about any birth or death in that particular page. The document filed at page 17 of the paper book only

mentions number at column - 1 and date at column - 2. The date refers to the date of birth or to the date of information about the incident of birth of the child, is not clear. There is no column about the date of information or date of birth independently in the document filed with the OA. For all these reasons the copy from the Register of Birth and Death filed by the applicant along with the OA appears to be suspicious and cannot be relied upon.

4. For the aforesaid reasons, I find no merit in this O.A. Accordingly, it is hereby dismissed, but without any order as to costs.



(K.M. AGARWAL)
CHAIRMAN.

B.