

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

T.A.No. 2384/86

Date of Decision: 18.12.92

MOHD. AKBAR

: Plaintiff/Applicant.

VERSUS

UNION OF INDIA

: Respondents.

Mr. G.P. Soral

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Judicial)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL):

The plaintiff (hereinafter referred to as the applicant) Mohammad Akbar had filed a civil suit in the Court of Munsif North, Kota against the defendant (hereinafter referred to as the respondent) seeking a declaration that his date of birth is 1.9.1927 and praying for injunction to restrain the respondent from retiring him with effect from the afternoon of 28.2.1981 on the basis of date of birth recorded in his service book. The suit was transferred to this Tribunal and registered as T.A.

2. The case of the applicant is as follows:-

The applicant entered service as a Gangman on 21.2.63. At the time of entry into service he had not declared the date of his birth. However, the Railway Medical Officer examined the applicant on 15.2.63 and according to his report his age was 40 years. The assessment of the doctor was accepted by the respondent and the date of birth was accordingly recorded in the service book as 15.2.23 but the applicant's approval of it was not sought. The applicant made a representation to the concerned authority on 7.9.1977 for correction of his date of birth from 15.2.1923 to 1.9.1927 but it was rejected on 6.2.1980. The applicant averred that the certificate dated 1.9.1975 was issued by the an Executive Magistrate, Kota stating therein that on the basis of the assessment of age made by the Medical Jurist of Maharao Bhim Singh Hospital, Kota, the applicant was aged about 48 years on 1.9.1975. The applicant had sent the said certificate to the Administration for correcting his date of birth in the

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the applicant did not declare his date of birth. He did not make any objection to the date of birth recorded in his service book immediately after joining service or shortly after it. In fact, he did not challenge the correctness of his date of birth prior to 7.9.77. The assessment of the age of the applicant made by the Railway Medical Officer on 15.2.63 was accepted by the applicant as he had not raised any objection to it. In these circumstances, the assessment of the applicant's age made by the Railway Medical Officer vide Annexure R-1 must be treated as final.

6. In view of the above discussion, I find no merits in this T.A. and it is, therefore, dismissed with no order as to costs.

G.Krishna 18.12.92.
(GOPAL KRISHNA)
MEMBER (JUDICIAL)