

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

HYDERABAD.

O.A. No.

~~xxxx~~ No.

529

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DATE OF DECISION 2nd Sept., 1988.

Smt. P. Rajya Lakshmi

Petitioner

Shri Y. Suryanarayana

Advocate for the Petitioner(s)

Versus

U.O.I. & two others

Respondent

Shri G. Parameswara Rao for

Advocate for the Respondent(s)

~~Shri K. Jagannatha Rao, Sr. SGSC.~~

CORAM :

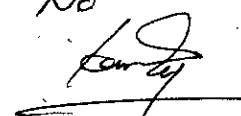
The Hon'ble Mr. K. Madhava Reddy, J.,
Chairman.

(sitting single)

The Hon'ble Mr. xxx

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

MGIPRND-12 CAT/86-3.12-86-15,000


(K.M.R., J.)
Chairman.

ORIGINAL APPLICATION NO. 529 of 1987

This is an application U/S 19 of the Administrative Tribunals Act 1985 for the correction of date of birth in the service record.

2. The applicant joined as a direct recruit U.D.C. in the Office of the Accountant General, Andhra Pradesh on 9.12.1955. She was promoted as Selection Grade Auditor in 1970. She earned further promotion to the cadre of Senior Accountant in 1984. Her date of birth as entered in the service record is 1.6.1932 which is based on the entry made in the S.S.L.C. Certificate. She appeared for the SSLC Examination from St. Therisa's Girls' High School, Eluru. Earlier she started her schooling in the then Narayanguda High School, Hyderabad now known as Madapati Hanumantha Rao Girls' High School, Narayanguda, Hyderabad. On account of political unrest in the State and the 'Razakar Movement' which created unsettled conditions even in Hyderabad City, she left that School while she was studying in the Fourth Standard. Her parents sent her to her grandfather's place at Eluru and there she was admitted in St. Therisa's High School, Eluru to continue her studies. Obviously because the School record showing the date of birth was not produced in

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St. Therisa's High School, Eluru, her date of birth was entered in the records of that School as 1.6.1932. However, the applicant's name finds a place in the Register of Admissions and Withdrawals of the Narayanguda Girls' School, Hyderabad at Serial No.1836 wherein her date of birth is shown as 13.1.1934 as claimed by her in the present application. The entry shows that she is the daughter of late Shri P.Sithapathi Rao, a Teacher in that School. The entry in the School Register of Narayanguda Girls' High School, Hyderabad the photostat copy of which is produced certified by the Head Mistress of that School fully supports her claim. The authenticity of this document and that it relates to the applicant cannot be doubted. There are no interpolations in the document. There are six entries above the entry relating to the applicant and 20 entries below that entry. There can be no doubt that the date of birth as entered therein was made in the course of official business. There is no conceivable reason why any wrong entry should have been made by her own father who was a Teacher in that School itself. Her date of birth as entered in the St. Therisa's High School, Eluru does not appear to have been given out by her father. The entry as it appears in the Admission Register of the first school the applicant attended namely the Narayanguda Girls' School, Hyderabad is of unimpeachable authenticity and is made at the instance of the applicant's father. There is no other document to doubt the correctness

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of this entry.

3. Even while applying to the Accountant General (A & E), A.P. Hyderabad for correction of date of birth the applicant had stated that her parents were married in 1932 and that she is their first issue. If the parents were married in May 1932, obviously her date of birth could not be 1.6.1932 as entered in St. Therisa's High School, Eluru. That further confirms that the entry of her date of birth made in the St. Therisa's High School, Eluru is not correct. Obviously it was so put on a mere conjuncture presumably because the academic year commences on 1st June and ends with 31st May, that date was perhaps chosen to coincide with the commencement of the academic year. Once that entry is found to be incorrect and the present date of birth as claimed by the applicant is supported by unimpeachable entry in the Admission Register of the School which she first attended, there is no reason to reject her claim.

4. Mr. Parameswara Rao, learned Standing Counsel for the Respondents, however, contended that it is a belated application. It is true that under O.M.19017/7/79/Estt.A dated 30th November 1979 of the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi, all applications for correction of dates of birth in the service record have

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to be filed within five years of entry into the Government service. This O.M. dated 30.11.1979 cannot, however, be applied to such a case as that of the applicant for the simple reason that the applicant had entered Government service long before the above O.M. was issued. In ATR 1987(1) CAT 414 (Hiralal vs. Union of India), a Division Bench of this Tribunal, to which I am a party it is held that this O.M. has no application to the cases of persons who are in service for more than five years prior to the date of the said O.M. dated 30.11.1979. As discussed above, there can be no manner of doubt that the date of birth claimed by the applicant is the correct one and the entry in the SSLC Certificate is only because of the erroneous declaration made at Eluru by the grandfather of the applicant without reference to extract of date of birth or the earliest school record. If this date of birth is accepted, the applicant gains just one year and five months. It is not as if she is to retire shortly. Further if this date is accepted as correct, she would not have been ineligible for appointment to Government service on the day she was appointed. She would be well above 18 years and fully qualified for appointment. She was in fact 21 years when she was appointed to the service. In these circumstances, I find no hesitation in accepting the claim of the applicant and declare that her correct date of birth to be 13.1.1934. There shall be a declaration to the Respondents to correct the entry as regards

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the date of birth of the applicant in all service records as 13.1.1934 in the place of 1.6.1932 which is appearing at present. The judgment shall be implemented within a period of three months from the date of receipt of this judgment.

5. This application is accordingly allowed but in the circumstances with no order as to costs.

Dictated in the open court.


(K. MADHAVA REDDY)
CHAIRMAN

DATED 2nd SEPTEMBER 1988

Expedite

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10/10/88

mdj*

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dy Registrar (A)