IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH

AT HYDERABAD

OA.506/90   Date of decision : 14th Aug, 92

R. Venkataiah   : Applicant

versus

The Superintendent of Post Offices
Warangal Division at Warangal
Warangal Dist. AP.   : Respondent

Counsel for the applicant   : Jalli Siddaiah, Advocate

Counsel for the respondent   : N.V. Ramana, Standing
                                    Counsel for Central Govt.

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HON. Mr. T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Order of the Single Member Bench delivered by
            Hon. Mr. T. Chandrasekhara Reddy, Member(J)

    This OA is filed under Section 19 of the Administrative
Tribunals Act, to direct the respondents to continue the
applicant in service till 31-7-1992 on the basis of his date
of birth as 23-7-1927.

2.   The facts giving rise to this OA in brief are as follows:

    The applicant was posted as ED BPM, Deekshakunta village,
Warangal Division, on 25-7-1960. According to the applicant,
on 26-10-1973, he was asked to produce his date of birth certi-
ficate alongwith School certificate or Janma Patrika. Accord-
ingly, the applicant submitted his janmapatrika to the
authorities wherein his date of birth is stated as 23-7-1927.
So according to the applicant, he will attain superannuation
by 23-7-1992 and he should be retired on 31-7-1992.

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2.   The date of birth as entered in the service register of the applicant is 1-7-1925. According to the applicant, he had never furnished his date of birth as 1-7-1925 to the respondents and the respondents themselves have entered in the service register of the applicant, his date of birth as 1-7-1925. The applicant made representation to the respondents on 29-5-1990 to retire him on the basis of the date of birth as 23-7-1927. But the said representation of the applicant was negatived. Hence, the present OA by the applicant for the relief as already indicated above.

3.   Counter is filed by the respondents opposing this OA.

4.   Today we have heard Mr. Jalli Siddaiah, Counsel for the applicant and Mr. V. Rajeswara Rao, for Mr. N.V. Ramana, Standing Counsel for the respondents. It is specifically pleaded in para 2 of the affidavit -''On 26-10-1973 the applicant was asked to produce his date of birth certificate alongwith the school certificate or janmapatrika. In reply to that the applicant has submitted his janmapatrika wherein his date of birth was recorded as 23-7-1927. So the) contention of the learned counsel for the applicant that the said janmapatrika of the applicant, in which the date of birth of the applicant is mentioned as 23-7-1927, had been produced before the competent authority as early as in the year 1973, and so due importance is liable to be given to the same and the same can be relied upon for effecting alteration of the date of birth of the applicant from 1-7-1925 to 23-7-1927 in the service register of the applicant and that the applicant, hence is entitled to be retired on the basis of the date of birth as 23-7-1927. In this context, we may refer to the representation of the applicant dated 29-5-1990 to the Superintendent of Post Offices, Warangal Division. In the said representation dated 29-5-1990, the applicant had stated that his father had expired

on 16-12-1989, that for this reason he could not produce janmapatrika in time and as per his janmapatrika, he will be 63 years only on 23-7-1990 and that he is entitled to continue in service upto 23-7-1992 i.e. by two more years from 1990 and hence the applicant requested the Superintendent of Post Offices, Warangal, to permit him to continue in service till the expiry of the date of birth of the ~~date of birth of the~~ applicant as 23-7-1927. So, as could be seen from the representation made to the Superintendent of Post Offices, Warangal Division, there is no reference at all to the said janmapatrika as having been produced before the competent authority in the year 1973 as pleaded by the applicant. As could be seen, in the said representation to continue him in service for two more years had been made alongwith the said ~~said~~ janmapatrika, only four months prior to his retirement. So, for the first time, the said janmapatrika on which reliance is placed for correction of date of birth has come to light only when the said representation was made to the Superintendent of Post Offices, Warangal Division. So, if the applicant's correct date of birth is 23-7-1927 as contained by him, we see no reason why the applicant did not put in representation within reasonable time after the Applicant joined service, to correct his date of birth in the service register as 23-7-1927 on the basis of the date of birth as found in his janmapatrika. So, for the first time ~~as already pointed out~~, the said janmapatrika had been placed before the competent authority for correction of date of birth as already pointed out, four months prior to his retirement and hence no reliance can be placed on the said janmapatrika in accepting the date of birth of the applicant as 23-7-1927. It is needless to point out, a Government servant who approaches this Tribunal for correction of date of birth has to produce before this Tribunal reliable

clinching and acceptable evidence. A janmapatrika of the
type that is produced before us,can be fabricated by an
interested party at any time and the same can be filed before
this Tribunal. It will be reckless to act on such type of
documents which could be fabricated at the sweet will and
pleasure of the parties. So, for the aforesaid reasons, we
are not prepared to place any reliance on the said janmapatrika
wherein date of birth of the applicant is mentioned as
23-7-1927.

5.   In the written statement, it is pleaded that respondents
had made a representation to the Revenue Department, since the
applicant worked as Patwari in the Revenue Department for some
time and that the Revenue Divisional Officer, Mahabubabad,
vide his letter dated 17-7-1990 informed the respondents that
as per the service register and gratuity proposal submitted by
the Mandal Revenue Officer, Narsampet, that the date of birth
of the applicant is 16-4-1923. It is the contention of the
learned counsel for the applicant, the date of birth of the
Applicant as given by the Revenue Division Officer, Mahabubabad
as 16-4-1923 is not correct that the date of birth of the
applicant as 23-7-1927 may be accepted. Before us we have got
three dates of birth of the applicant, which are 16-4-1923,
1-7-1925 and 23-7-1927. According to the applicant, as
already pointed out his correct date of birth is 23-7-1927.
No doubt, 16-4-1923 and 1-7-1925 might not be correct dates
of birth of the applicant. But burden is heavily cast on the
applicant to show that 23-7-1927 is his correct date of birth.
Excepting the said janmapatrika on which we have not placed
any reliance, there is no other evidence placed before us to
show that the correct date of birth of the applicant is
23-7-1927.

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6.   In view of this position, we see no other alter-
native except to dismiss this OA and we dismiss the OA
accordingly leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
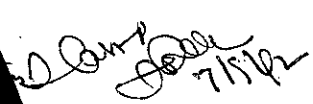Member(Judl.)

Dated : 14th Aug, 92
Dictated in the Open Court

Deputy Registrar(J)

To
1. The   Superintendent of Post   Offices,
   sk   Warangal Division at Warangal
                   Warangal Dist.A.P.

2. One copy to Mr. J.Siddaiah, Advocate,
   1-8-702/33/44, Padma Colony, Nallkunta, Hyderabad.

3. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.

4. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
MEMBER(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(J)

Dated: 14-8- 1992

ORDER / JUDGMENT

R.A./C.A./M.A.No

in

O.A.No. 506/90

T.A.No.   (W.P.No   )

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A.Ordered / Rejected

No orders as to costs.