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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 506/91.

Date of Decision :

T.A.No--

Dasari Prabhudas

Petitioner.

Shri C.Suryanarayana

Advocate for the
petitioner (s)

Versus

The Surveyor General of India,
Dehradun-248001 & 2 others

Respondent.

Shri N.R.Devaraj, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A).

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ys*
2. To be referred to the Reporter or not? *Ys*
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

Y
HRBS
M(A).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.506/91.

Date of Judgment 26.11.1991.

Dasari Prabhudas

.. Applicant

Vs.

1. The Surveyor General
of India,
Dehradun-248001.

2. The Director, PMPP,
Survey of India,
Hyderabad-500039.

3. The Officer-in-Charge,
No.34 Party (PMP),
Survey of India,
Hyderabad-500039.

.. Respondents

Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri N.R.Devaraj, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A).

This application has been filed by Shri Dasari Prabhudas against the Surveyor General of India, Dehradun-248001 and 2 others under section 19 of the Administrative Tribunals Act 1985 praying that his date of birth be altered from 6.11.1931 to 6.11.1941.

2. The applicant was recruited in the year 1960 as a contingent Khalasi in the Survey of India, Hyderabad. According to him, the declared date of birth at that time was 6.11.1941 and this was recorded in the form O-100 (Acc) maintained by the Survey of India. He was later regularised as a Khalasi in the year 1967 at which time he underwent a medical examination and by the medical certificate dated 29.12.67 his age was put at 26 years. Later, he came to know that his date of birth was recorded as 6.11.1931. He seeking a change in D.o.B and represented to the authorities/furnishing copies of the

age certificate given by the school and also his Baptism certificate. This was rejected by the respondents and hence this petition.

3. The respondents have filed a counter affidavit and oppose the application. They do not attach much significance to the medical certificate since it is based on the statement made by the applicant himself. It is their case that he had signed in his Service Book to the effect that his date of birth was 6.11.1931 and it was only much later, almost after 31 years of service, that he had staked his claim for change of date of birth.

4. I have examined the case and heard the learned counsels for the rival sides. The respondents had quoted the belated application from the applicant as one of the reasons for rejecting his case apart from other factors. In view of the Full Bench judgment of this Tribunal and also of the other Benches the time-frame stipulated for considering the alteration in the date of birth, does not come in the way of warranting a change, such alteration if there is strong evidence. The applicant has cited the following judgments in support of his case.

(1) R.S.Kalolimath Vs. State of Mysore (AIR 1977 SC 1980).

(2) Siddheswar Ganguli Vs. State of West Bengal (AIR 1958 SC 143).

(3) Surendra Singh Vs. Divisional Engineer Telegraphs (1979 SLJ 660).

(4) HIRALAL Vs. U.O.E. ATR 1987(1) CAT 414.

The essence of all these cases is that where there is strong evidence in favour of change of date of birth, ^{the same} should be notwithstanding other factors like delay etc. invariably considered. I have, therefore, only to examine whether such overwhelming evidence is obtaining ^{in the case} before me.

(a) As early as on 11.5.76 the applicant had signed the Service Book where the date of birth was entered as 6.11.193 in figures and words. Yet he did not raise the issue then itself but waits till almost the fag end of his service and asks for a change of date of birth only in September, 1989 more than 3 decades after he was appointed as a regular Khalasi.

(b) Again, as late as on 29.2.88, while furnishing details of family in Form 3 he had, under his signature, given his date of birth as 6.11.1931.

(c) The genuineness of the school certificate showing his date of birth as 6.11.1941 could not be verified by the respondents when the Headmaster of the school concerned had, in his reply, indicated that there was no record in the school to verify the date of birth of the applicant. Without such verification it is not possible for the respondents to accept the request of the applicant.

(d) The applicant cites the case of one Shri Jacob in whose case the date of birth was altered based on the Baptism certificate. That was done in the year 1972 when Shri Jacob was 33 years old; but in the case of the applicant such a 48 years certificate is issued/after the event is certified. The Jabalpur Bench of this Tribunal had, in the case of Bhagirathi Yadav Vs. Union of India [1987(3) SLR 696] disregarded certified copies of date of birth obtained 48 years after leaving the school and 24 years after service. In this case, the Baptism certificate is issued nearly 5 decades after the event and is furnished after almost 4 decades after the applicant entered service initially as contingent Khalasi and later regularised. Hence, the certificate furnished by the applicant can be easily ignored.

5. The applicant relies heavily on the production of the original of the P-100 (Acc) maintained by the Survey of India. The respondents have averred that the entries in the Service Book had been made based on a copy of P-100 (Acc) form. At this distant date they are not in a position to file the original because all these very old records had been weeded out. This is common practice in Government offices where only financial records are preserved for long duration and other records after extracting information are weeded out.

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6. I do not find adequate evidence in favour of alteration of the date of birth of the applicant and hence dismiss the application with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

Dated 26th November, 1991.

5/12/91
Deputy Registrar (J)

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To

1. The Surveyor General of India, Dehradun-1.
2. The Director, PMPP. Survey of India, Hyderabad-39.
3. The Officer-in-Charge, No.34 Party (BMR)
Survey of India, Hyderabad- 39.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Addl. CGSC. CAT.Hyd.
6. Copy to All Reporters, as per standard list of CAT.Hyd-Bench.
7. One spare copy.

pvm.