

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.1081/91

DATE OF JUDGEMENT: 23 FEB., 1993

Between

P.Hanumantha Rao

.. Applicant

and

1. Deputy Director General of
Meteorology,
Regional Meteorology Centre,
50, College Road,
Madras 600 006

2. Director
Meteorology Office,
Airport,
Hyderabad-16

.. Respondents

Counsel for the Applicant

:: Mr D.Govardhanachary

Counsel for the Respondents

:: Mr M.Jagan Mohan Reddy

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

JUDGEMENT

This is an application filed under Section 19 of the Central Administrative Tribunals Act, to direct the respondents to alter the date of birth of the applicant as 1.7.1936 in his service records and to grant such other reliefs as may deem fit and proper in the circumstances of the case.

2. The facts so far necessary to adjudicate this OA in brief, may be stated as follows:

T - C - n - f

..2

3. The applicant joined in India Meteorological Department on 4.12.1959 on regular basis as temporary Senior Observer at Visakhapatnam. At the time of joining service, the ~~submitted~~ applicant's date of birth was entered erroneously as 1.7.1935 on the basis of the entry made in the first page of the SSLC book of the applicant. According to the applicant, his correct date of birth is 1.7.1936.

4. The applicant submitted an application dated 30.4.90 to the Dy. Director General of Meteorology, Regional Meteorology Centre, Madras requesting to change in the official records his date of birth as 1.7.1936. The applicant in support of his plea that his correct date of birth is 1.7.1936, had also appended to his application dated 30.4.90 a certificate issued by the Sub.Registrar, Births and Deaths, Pamarru, Krishna Distt.A.P.

5. The respondents after consider the application of the applicant for correction of date of birth, rejected the same. Hence, the present OA is filed for the relief as already indicated above.

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

7. The respondents have maintained in their counter that there is no proof to show that the correct date of birth of the applicant is 1.7.1936, and as such, this OA is liable to be dismissed.

8. We have heard Mr D.Govardhana Chary, counsel for the applicant and Mr Jagan Mohan Reddy counsel for the respondents.

9. As it is the case of the applicant that his correct date of birth is 1.7.1936, heavy burden is cast on the applicant to show that his correct date of birth is 1.7.1936.

..3..

To support his contention, the applicant has filed the true copy of the birth extract said to have been issued by the Sub. Registrar of Births and Deaths, Pamuru, dated 31.8.89. In the representation of the applicant to the Deputy Director General of Meteorology, Regl. Meteorological Centre, Madras to correct his date of birth from 1.7.35 to 1.7.36, the applicant has stated that he is the last but one in the family of 3 brothers and 4 sisters of his father one Sri Pasumarthi Ramaiah. During the course of admission hearing of this OA, the applicant's counsel Mr D. Govardhana Chary submitted that 1) Venkateswara Rao 2) Kameswaramma 3) Rukmini amma 4) Krishnamurthy 5) Lakshmitulasi 6) Hanumantha Rao (applicant herein) and 7) Udhayabhaskaramma are the 7 issues to the parents of the applicant. To substantiate the pleas of the applicant that his correct date of birth is 1.7.36, the applicant has filed birth extracts of Rukminiamma which shows that the date of birth of Rukminiamma as 13.6.23, birth extract of Krishnamurthy which shows the date of birth of Krishnamurthy as 11.12.25 and the birth extract of Udhayabhaskaramma which shows the date of birth of Udhayabhaskaramma as 2.12.39. The alleged birth extract of the applicant is also filed wherein the date of birth of the applicant is shown as 1.7.36.

10. According to the respondents, the birth extract in support of his date of birth produced by the applicant is spurious and make-believe document and as such no credence can be given to the same.

11. The applicant had not filed the birth extracts of Venkateswara Rao, Kameswaramma, and Lakshmitulasi. According to the birth of Krishnamurthy on 11.12.25 to the applicant, Lakshmitulasi was born on 29.1.32 and after 29.1.32 the applicant herein was born on 1.7.36 and at the least, the said Udhayabhaskaramma whose date of birth is 2.12.39 was born, as the last child to the parents of the applicant.

T - C - R

..4..

Heavy burden is cast on the applicant to prove that the birth extract showing the date of birth as 1.7.36, relates to the applicant. The applicant has not filed the birth extracts of ~~Kannan~~ Krishnamurthy and ~~Am~~ Lakshmi-Tulasi who ~~is~~ said to have borne between the period from 11.12.25 (date of birth of Rukminiamma) ~~and~~ and 1.7.36 (date of birth of the applicant). Ofcourse, it is the contention of the applicant that Lakshmitulasi had been born on 29.1.32 and thereafter the applicant ~~was~~ born on 1.7.36. So, to accept the contention of the learned counsel for the applicant, it has got to be proved that there were no issues to the parents of the applicant in between the period ~~29.1.32~~ and 1.7.36, so as to draw an inference that the birth extract that is filed relates only to the applicant. No such proof is placed before this Tribunal. Under such circumstances, we are not prepared to accept the fact that the birth extract that ~~was~~ filed before the Tribunal bearing date of birth 1.7.36 relates to the applicant. Besides, we find infirmities in the birth extract of the applicant ~~when~~ compared to the others. In the birth extract of Rukminiamma ~~showing~~ showing her date of birth as 13.6.23 and Krishnamurthy showing his date of birth as 11.12.25, there is no mention of the name of the mother; whereas, in the birth extract filed before this Tribunal said to be pertaining to the applicant, we find the name of the mother also. We are unable to understand why in the other two birth extracts cited supra, the name of the mother of the child that is born is not mentioned whereas, in the case of the applicant alone the name of the mother has been mentioned as all the three birth extracts relate to the ~~brothers and sisters of the same family.~~

T - 10 - 1

..5

..5..

So, in view of this discrepancy also, a genuine doubt arises whether the birth extract that ~~was~~ filed before this Tribunal showing the date of birth as 1.7.36 is a genuine one.

12. The applicant is due to retire on 30.6.93 on the basis of his date of birth as 1.7.35. It is only on 30.4.90 that the applicant had put in a representation to the Deputy Director General of Meteorology, Regional Meteorology Centre, Madras for correction of his date of birth from 1.7.35 to 1.7.36. Admittedly, the applicant, after serving a period of 32 years has put in ~~in~~ the said representation. For the enormous delay in submitting the representation to the competent authority for correction of date of birth the reason assigned by the applicant is that he came to know of the correct date of birth during a conversation with his elder brother namely one P.Venkateswara Rao in August 1989 that he was born on 1.7.36 and not on 1.7.35. The birth extract of the said Venkateswara Rao is not filed. Neither the date of birth of the said Venkateswara Rao is made known to the Tribunal ~~though the same is not of much consequence in deciding this~~.

13. The said Venkateswara Rao being brother of the applicant, ~~knows~~ if he had known the date of birth of the applicant as 1.7.36, the Venkateswara Rao ~~should~~ also have given his date of birth to the applicant. But the said Venkateswara Rao does not appear to have disclosed to the applicant his (Venkateswara Rao's) date of birth, but seems to have disclosed only the date of birth of the applicant as 1.7.36 that too only in the year 1989.

T - ~~conf~~

.6

..6..

Only to explain the delay in approaching the competent authority for correction of date of birth, the applicant seems to have given the story of knowing his correct date of birth as 1.7.36 through his brother in the year 1989. If the correct date of birth of the applicant is 1.7.36 we do not think that the elder brother of the applicant who is said to be Venkateswara Rao would have failed to disclose the same to him after a reasonable time the applicant joined his services or even before the applicant joined his services. So, as we see serious latches on the part of the applicant in approaching the competent authority for correction of his date of birth. As already pointed out, the applicant has to strictly prove that his correct date of birth is 1.7.36. Such proof as required is not forthcoming in this case. So we see no other alternative except to dismiss this OA and this OA is accordingly dismissed leaving the parties to bear their own costs.

T. Chandrasekhara Reddy

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

81/393
Dated: 23 February, 1993 Dy. Registrar (J)

Copy to:-

1. Deputy Director General of Meteorology, Regional Meteorology Centre, 50, College road, Madras-006.
2. Director, Meteorology officer Airport, Hyd-16.
3. One copy to Sri. D.Govardhanachary, advocate, CAT, Hyd.
4. One copy to Sri. M.Jagan Mohan Reddy, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-