

(38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.996/92.

Date of Judgement : 9-6-93

M.Anjaneya Rao

.. Applicant

Vs.

1. Dy. Director of Audit,  
P&T, Nampally Stn. Rd.,  
Hyderabad.

2. The Director-General of  
Audit, P&T, New Delhi.

3. The Controller & Auditor  
General of India,  
New Delhi.

.. Respondents

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Counsel for the Applicant :: Shri K.Venkateswara Rao

Counsel for the Respondents:: Shri G.Parameswara Rao,  
SC for Audit

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CORAM:

Hon'ble Shri A.B.Gorthi : Member (A)

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JUDGEMENT

This is an application for change of date of birth. The applicant's contention is that he was born on 11.10.36 and that his date of birth was wrongly recorded as 1.7.35 in the Service Book.

2. The applicant belongs to Scheduled Caste and was born to illiterate parents. The eldest child of the parents named Pentadu was born on 26.1.34 but died during infancy only. So, when the applicant was born on 11.10.36 his parents showed his name as 'Verroodu' (meaning a stupid) as per the custom. However, when the applicant was admitted to school his date of birth was declared as 1.7.35. The same date was consequently shown in his S.S.L.C. and other scholastic certificates. His name was not shown as Verroodu but was shown as Anjaneya Rao which actually was his name eversince his childhood.

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3. The applicant joined service on 19.3.60 and was, in fact, under the impression that his date of birth was correctly recorded both in his school leaving certificate and also his service record. It was only in 1992, when he happened to meet a friend of his, he learnt of the possible discrepancy in his date of birth. He, therefore, obtained extracts from the birth register in which his date of birth was correctly recorded as 11.10.36. Equipped with the extracts from the birth register he approached the authorities concerned with a request to change his date of birth but the authorities declined to do so. Hence this application.

4. The respondents in their reply affidavit have stated that the date of birth of the applicant was correctly recorded in the Service Book. The respondents also referred to Note 5 below F.R.56 under which a period of time has been stipulated for making application for alteration of date of birth. Notwithstanding the publication of the said note in 1979 the applicant did not seek any change of date of birth prior to 1992.

5. I have heard the learned counsels for both the parties and perused the records. The learned counsel for the respondents drew my attention to certain minor discrepancies appearing in the extracts from the birth register. In the extract pertaining to the eldest child of the applicant's parents their names were shown as Pentadu and Veeramma whereas in the birth ~~extract~~ of the applicant the names of the parents were shown as Pentaiah and Veeri. In any case there is nothing to establish that the 'Verrodu' referred to in the birth certificate is no other person than Shri Anjaneya Rao, the applicant.

To

1. The Deputy Director of Audit,  
P&T, Nampally Station Road,  
Hyderabad.
2. The Director General of Audit,  
P&T, New Delhi.
3. The Controller & Auditor General of India, New Delhi.
4. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.G.Parameswar Rao, SC for Audit, CAT.Hyd
6. One copy to Hon'ble A.B.Gorthy, Member (A) CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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*copy to  
P&T  
14/6/83*

(AO)

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6. In the case of Union of India Vs. Harnam Singh [ 1993 (1) SCALE 478 ] the Hon'ble Supreme Court observed, inter alia as under:

- (a) The date of birth entered in the service record of a Civil servant is of utmost importance because the right to continue in service stands decided by its entry in the service record.
- (b) It is open to a Civil servant to claim correction if he is in possession of irrefutable proof of his correct date of birth.
- (c) He must do so without unreasonable delay. It is competent for the Government to fix a time limit after which no request can be entertained.
- (d) Law of limitation may be applied rather strictly to cases of request for change of date of birth.

7. The applicant having himself believed and having led the authorities to believe that his correct date of birth was 1.7.35 cannot at the fag end of the service claim an alteration of his date of birth on the basis of some documents obtained, such as extracts from the birth register. This is all the more so when the extracts from the birth register <sup>do</sup> ~~did~~ not cogently and conclusively establish that the individual referred to in the said birth certificate is none other than the applicant himself. I, therefore, cannot find fault with the respondents' decision to reject the request of the applicant for correction of his date of birth.

8. The application is without merit and it is hereby dismissed. There shall be no order as to costs.

A. B. Gorathi  
(A. B. Gorathi)  
Member (A).

9-9-93

Dated: 9th June  
May, 1993.

8/14/93  
Deputy Registrar (S).

In The CAT. Hyd. Bench

Hyd.

The Hon'ble Mr. A. B. Grover,

Dated: 9/6/93

Judgement

CA NO. 996/92

~~Ref~~

Dismissed.

