

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1079/92

Date of Order: 24.6.93

BETWEEN :

C.Somaiah

.. Applicant.

A N D

The Superintendent of Post Offices,
Narasaraopet Division,
Guntur District.

.. Respondent.

Counsel for the Applicant

.. Mr.B.Nageswara Rao

Counsel for the Respondent

.. Mr.N.V.Ramana

CORAM:

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



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Order of the Single Member Bench delivered
by Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud1.)

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to correct the date of birth of the applicant from 16-12-1927 to 14-1-1934.

The facts giving rise to this OA in brief may be stated as follows:-

The applicant was appointed as EDBPM, Hassanabad Branch Office on 228-2-1959. At the time of entry into the service the applicant gave his date of birth as 16-12-1927. As per his date of birth as 16-12-1927 the applicant was due to retire on 15-12-1992 afternoon. At the fag end of the service the applicant put in a representation dated 25-11-1991 requesting the competent authority to alter his date of birth from 16-12-1927 to 14-1-1934. The applicant is also said to have appended a xerox copy of the record sheet issued by the Head ~~Post~~ Master, Srirama Hindu Elementary School where he had said to have studied along with his representation. In the record sheet it is said that the date of birth of the applicant is mentioned as 14-1-1934. After verification made by the competent authority, it was found that the record sheet produced by the applicant along with the representation dated 25-11-1991 showing his date of birth is 14-1-1934 is a bogus one. So, the representation of the applicant dated 25-11-1991 to correct his date of birth was rejected on 18-11-1992. The applicant was retired on the afternoon of 15-12-1992 on the basis of his date of birth as 16-12-1927. The applicant has filed the present OA for the correction of date of birth as indicated above.

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

4. This OA was listed for final hearing on 23-6-1993. None were present on behalf of the applicant on 23-6-93. Mr. N. V. Ramana, Standing Counsel for the respondents was present and heard. After hearing Mr. Ramana this OA was ordered on 23-6-93 to be listed for rejection on today (24-6-93). Today also non are present on behalf of the applicant. There is no representation on behalf of the applicant. It is quite evident that the applicant is not at all interested in the prosecution of this OA. Hence we proceed to dispose of this OA with the material available before this Tribunal.

5. Admittedly the date of birth of the applicant while entering into service as EDBPM, Hassahabad had been entered as 16-12-1927 in his service records as per the statement of the applicant. As it is the contention of the applicant that his correct date of birth is 14-1-1934 heavy burden is cast on the applicant to show that his correct date of birth is 14-1-1934. As already pointed out while narrating the facts giving rise to this OA the applicant had attached one xerox copy of the record sheet said to have been issued by Head Master, Srirama Hindu Elementary School along with his representation to correct his date of birth. According to the applicant he had studied in the said school. On verification by the competent authority it is found that there is no such school existing and the said school had been taken over by the municipality long time ago. The applicant has not filed before

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" A Government servant, after entry into service, acquires the right to continue in service till theage of retirement, as fixed by the State in exercise of its powers regulating conditions of service, unless the services are dispensed with on ther grounds contained in th relevant service rules after following theprocedure= prescribed therein. The date of birth entered in the service records of a civil servant is, thus utmost importance for the reason that the right to continue in service stands decided by its entry in the service record. A Govt. servant who had declared his age at theinitial stage of the employment is, of course, not precluded from making a request later on for correcting his age. It is open to a civil servant to claim correction of his date of birth; if he is in possession of irrefutable proof relating to his date of birth as different from the one earlier recorded and even if there is no period of limitation prescribed for seeking correction of date of birth, the Government servant must do so without any unreasonable delay. In the absenceof any provision in the rules for correction of date of birth, the general principle of refusing relief on grounds of laches or stale claims, is generally applied by the courts and Tribunals."

6. Admittedly the applicant had approached the competent authority for correction of date of birth at the fag end of the service career i.e. 25-11-1991. As could be seen there are laches on the part of the applicant

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in approaching the competent authority for redressal of his grievance. So, in view of the facts and circumstances this OA is liable to be dismissed.

7 Accordingly the O.A. is dismissed, leaving the parties to bear their own costs.

T. Ch.

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

Dated: 24th June, 1993

Deputy Registrar



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Copy to:-

1. The Superintendent of Post Offices, Narasaraopet Division, Guntur District.
2. One copy to Sri. B.Nageswara Rao, advocate, Plot No.7, SBH Colony, Asmanghat, Malakpet colony, Hyd-37.
3. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

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