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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

AT HYDERABAD

Original Application No.157/92
Date of Decision : January 29/1993

Between

M. Jangaiah : Applicant

and

Union of India rep. by

1. The Secretary, GOI
Department of Posts
New Delhi

2. The Post Master General
Hyderabad

3. The Supdt. of Post Offices
Wanaparthy Division
Wanaparthy

4. The Sub Divisional Inspector
(Postal)
Sub Division
Jadcherla

: Respondents

Counsel for the Applicant : K.S.R. Anjaneyulu
Advocate

Counsel for the Respondents : N.R. Devaraj, Standing
Counsel for Central Government

Coram :

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

T. S. N.

PSL

Judgement

(As per Hon. Mr. T. Chandrasekhara Reddy, Member (Jud1)

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to alter the date of birth of the applicant in the Service Register from 1-1-1927 to 1-7-1943 and to pass such other orders as may deem fit and proper in the circumstances of the case.

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

The applicant is working as EDMC at Ippalapally Branch Office, Thimmaipet Sub Office. According to the applicant his date of birth is 1-7-1943. At the time of his appointment ~~he~~ he produced a certificate issued by a Doctor in support of his date of birth as 1-7-1943. The retirement age ~~of~~ a person who holds the post of EDMC is 65 years. The applicant received a memo stating that on the basis of the date of birth of the applicant as 1-1-1927, he would be retired. The applicant was shocked to receive the said memo. So the applicant put in a representation on 23-12-91 stating that his age was only 48 years and requested the respondents not to retire him on the basis of date of birth as 1-1-1927. The applicant also produced a medical certificate issued by Civil Assistant Surgeon, Mahabubnagar, certifying that he was 48 years in the year 1991. The applicant also produced the birth extract issued by the Sarpanch of Thimmaipet, that the date of birth of the applicant is 1-7-1943. The applicant ~~had~~ filed an affidavit before the Munsif Magistrate, Nagar Kurnool, on 9-1-1992 swearing that the date of birth of the applicant is 1-7-43.

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which affidavit was attested by the Magistrate. The said affidavit was also produced ~~before~~ by the respondents by the applicant. No action had been taken by the respondents in correcting the date of birth of the applicant from 1-1-1927 to 1-7-1943. So the present OA is filed by the applicant for the relief as already indicated above.

3. Counter is filed by the respondents opposing this OA. We have heard in detail Mr. K.S.R. Anjaneyulu, Counsel for the applicant and Mr. N.R. Devaraj, Standing Counsel for the respondents.

4. The personal file of the applicant is produced before this Tribunal. We have gone through the personal file of the applicant. In the personal file of the applicant on the outer page, the date of birth (DOB) is noted as 1-1-1927 and the date of appointment as 4-12-1963. The applicant as having been appointed on 4-12-1963 as EDMC is not disputed in this OA. The dispute as already pointed out is about the date of birth of the applicant. It is the specific case of the respondents that as and when the applicant was appointed as EDMC the date of birth was recorded as 1-1-1927 at the behest of the applicant. But on the other hand the case of the applicant is that he had produced a medical certificate at the time of appointment and on the basis of the medical certificate his date of birth is 1-7-1943. According to the respondents, the certificate of the date of birth of the applicant is not traceable in the personal file of the applicant and the same is missing. But the date of birth and date of appointment are found written on the outer sheet of the personal file as 1-1-1927 and 4-12-1963 respectively. As already indicated perusal of the personal file of the applicant shows that on the outer sheet of the personal file of the applicant is written as 1-1-1927. There is a presumption

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that all the official acts had been performed in the regular course of business. So, unless the applicant had given the date of birth as 1-1-1927 either on his own or by producing a medical certificate, we are unable to understand how in the personal file of the applicant on the outer sheet, the date of birth of the applicant could be mentioned as 1-1-1927. So, from the fact the date of birth is mentioned as 1-1-1927 on the outer sheet of the personal file of the applicant, we do not have any doubt in accepting the fact that the date of birth of the applicant is 1-1-1927 as given by him and accepted by the respondents at the time of appointment of the applicant. The respondents have also produced before us the register showing the particulars of EDMC maintained at Wanaparthy Sub Division as on 1-10-86. In the said register also the date of birth of the applicant is mentioned as 1-1-1927. The said register is maintained in accordance with the instructions contained in DG, P&T letter No.40-9/82-Pen, dated 8-12-1983. So, the date of birth in the register showing the particulars of the ED employees maintained by the Wanaparthy Sub Division as on 1-10-86 should have been prepared on the basis of relevant records and personal files of the said employees. As already pointed out the date of birth in the said register of the ED employees is shown as 1-1-1927. So, the date of birth of the applicant as entered as 1-1-1927 in the register showing the particulars of the ED employees also corroborates the case of the respondents that the date of birth of the applicant is 1-1-1927.

5. From the facts narrated above, we do not have any hesitation to come to the conclusion that the date of birth of the applicant as entered in the service register of the applicant is 1-1-1927. So, as the date of birth of the applicant was mentioned in the service register as 1-1-1927, heavy burden on

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35

the applicant is cast to show that 1-1-1927 is not the correct date of birth and that 1-7-1943 is the correct date of birth of the applicant. To show that the date of birth of the applicant is 1-7-1943, the applicant had produced a photo stat copy of Health & Age Certificate, dt. 17-12-1991 said to have been issued by the Civil Assistant Surgeon, District Hospital, Mahabubnagar (Annexure A-3). In the said Health & Age certificate, the Doctor has certified that the age of the applicant according to his own statement is 48 years as on 17-12-1991 and by appearance also his age is 48 years. It is needless to point out that appearances are often deceptive. It will be ~~risky~~ to determine the age of a person by appearance. So, it will not be proper to accept that the age of the applicant as on 17-12-1991 was 48 years by his appearance. No doubt the applicant had stated before the said Doctor, who had issued the Health & Age Certificate dated 17-12-1991, that the age of the applicant was 48 years. Statement of the applicant that he was aged 48 years made before the said Civil Asstt. Surgeon on 17-12-1991 as incorporated in the said Health & Age Certificate is ~~self~~ self-serving ~~which~~ to which no credence can be given. So from the Health & Age Certificate (photostat copy) that is produced before this Tribunal, it is not at all possible to deduce that the date of birth of the applicant is 1-7-1943 as contended by him.

6. Reliance is also placed on the certificate issued by the Grama Panchayat, dated 30-12-1991 stating that the date of birth of the applicant is 1-7-1943. The applicant is not able to show under what provision of law a Grama Panchayat Sarpanch can have the custody of Births and Deaths Register. It is well known that it is only the Sub-Registrar of Births and Deaths

T. C. N.

36

that will have the custody of Births and Deaths Register of an area.

7. It may be pointed out that the elected representatives are never entrusted with the task of having the custody of the official records like Births and Deaths Register etc. According to us the said Birth Certificate issued by the said Grama Panchayat Sarpanch of Thimmajipet appears to be spurious document on which we are not ~~placed~~ ^{prepared to place} any reliance. The third document relied upon by the applicant is his own affidavit sworn before the Magistrate of Nagar Kurnool on 9-1-1992. In the said affidavit it is mentioned ~~about~~ the certificate issued by the Sarpanch of Gram panchayat that the date of birth of the applicant is 1-7-1943 and also about the Health and Age Certificate dated 17-12-1991 issued by the Civil Asstt. Surgeon, District Hospital, Mahbubnagar, in favour of the applicant that the applicants age was 48 years as on 17-12-1991. We have not placed any reliance as already indicated either on the Health & Age Certificate issued by the Civil Assistant Surgeon, District Hospital, Mahbubnagar, dt.17-12-1991 or ^{or} the Birth Certificate of the applicant dt.30-12-1991, said to have been issued by the Sarpanch, Gram Panchayat.

So the affidavit sworn before the Magistrate reiterating that the date of birth of the applicant is 1-7-1943 on the basis of the said Health & Age Certificate and the Certificate of the Sarpanch of Gram Panchayat of Thimmajipet, absolutely has no consequence and does not improve the case of the applicant. The affidavit sworn before the Magistrate on 9-1-1992 does not

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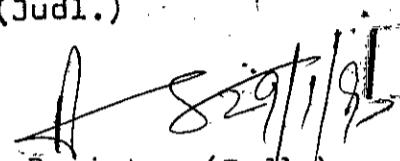
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(37)

advance the case of the applicant in any way.

8. Thus as could be seen, there is no satisfactory and acceptable material to show that the date of birth of the applicant is 1-7-1943. So in view of this position, the OA of the applicant is liable to be dismissed and is accordingly dismissed, leaving the parties to bear their own costs.

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

Dated : January 29, 1993 
Dy. Registrar (Judl.)

Copy to:-

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1. The Secretary, GOI, Union of India, Department of Posts, New Delhi.
2. The Post Master General, Hyderabad.
3. The Supdt., of Post Offices, Wanaparthy Division, Wanaparthy.
4. The Sub Divisional Inspector (Postal) Sub Division, Jadcherla.
5. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-

*Th. affd
parc X*

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

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

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

THE HON'BLE MR.

DATED: 29/1/1993

ORDER/JUDGMENT:

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

in
D.A. No. 157/92

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

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected Ordered

No order as to costs.

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