



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 504 of 1991.

DATE OF JUDGMENT: 2nd Jan 1992.

BETWEEN:

Mr. M. Sudarsanam

Applicant

AND

1. The Accountant General (A&E),
A.P., Hyderabad-463.

2. The Comptroller & Auditor General
of India,
New Delhi-2.

Respondents

COUNSEL FOR THE APPLICANT: Mr. C. Suryanarayana

COUNSEL FOR THE RESPONDENTS: Mr. G. Parameswar Rao,
SC for IA&AD

CORAM:

Hon'ble Shri T. Chandrasekhar Reddy, Member (Judl.)

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5. According to the applicant, even though the birth extract Annexure-A was obtained by the applicant's father on 4-6-1953 that the applicant's father might have lost sight of the same and so no steps were taken to get the applicant's date of birth corrected. The applicant's father is said to have died in 1970 and his mother in 1983. After the death of his parents, the brother of the applicant took possession of all the books and papers of his parents. While going through the same, brother of the applicant noticed the birth extract Annexure A-1 ~~and also referred to Annexure A-4 and A-5~~ among the papers of the parents and sent the said Annexure A-1 to the applicant. So, in view of the Annexure A-1 and also birth extracts Annexures A-4 and A-5 referred to above, the applicant represented to the 1st respondent on 17.9.1990 which representation is Annexure A-6 stating that the correct date of birth of the applicant is 7.11.1937 and accordingly to correct the same. But the 1st respondent rejected the request of the applicant by his order dated 9.1.1991 which is Annexure A-7 of the paper book. So, in view of the orders passed by the 1st respondent ~~at~~ (Annexure A-7) refusing to correct the date of birth of the applicant from 15.7.1934 to 7.11.1937, the present application is filed by the applicant for the relief as already indicated.

6. Counter is filed on behalf of the respondents opposing the said application.

as 15.7.1934. The said date of birth of the applicant as 15.7.1934 was also carried over in the service register.

3. The applicant's father obtained on 4.6.1953, an extract from the Registrar of Births in local areas maintained by the then Sub Registrar, Duggirala. According to the same, the date of birth of a male child born of his parents was 7.11.1937 which is Annexure A-1. According to the applicant, the applicant's date of birth is 7.11.1937 as shown in Annexure A-1. The applicant's case ~~was~~ as already pointed out is, the date of birth was wrongly recorded in the SSLC register as 15.7.1934.

4. According to the applicant, he approached the Mandal Revenue Officer, Duggirala and obtained the date of birth certificate of his sister, Shakuntala who ^{is said to} ~~was~~ *have been* born on 28.6.1935 which is Annexure A-4. Annexure A-4 had been obtained according to the applicant on 15.6.1989. The applicant also obtained another birth extract from the said Mandal Revenue Officer showing that a male child was born to his parents on 7.11.1937 which birth extract is Annexure A-5. Annexure A-5 is dated 15.6.1989. According to the applicant, Annexures A-4 and A-5 relate to the elder sister, Shakuntala and to the applicant alone.

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year 1990 that his brother gave him Annexure A-1. So, as Annexure A-1 is said to ^{have been} ~~be~~ issued in the year 1953 and it had come to light only in the year 1990, and so Annexure A-6 representation was made by the applicant to correct his date of birth to the 1st respondent, ~~it~~ was ~~not~~ ^{the} ~~not~~ bounded duty of the applicant to satisfy this Tribunal that (Exhibit) Annexure-I is a true and genuine document. ~~In the year 1953~~ It is every body's knowledge that in the year 1953 'Xerox machines' were not in vogue at all in any town in Andhra Pradesh but with regard to Annexure A-1 which is a Xerox copy of the birth extract ~~is~~ filed before us as (Exhibit) Annexure-A-1, as no explanation is coming forth from the applicant as to what happened to the original of Annexure A-1 birth extract, it is rather difficult for us to place any reliance on (Exhibit) Annexure A-1 to come to the conclusion that the date of birth of the applicant is 7.11.1937 as contended by him. We may state in this context that a photostat copy of the document is not at all admissible unless proved to be genuine. It was open for the applicant to summon the birth register from Duggirala from the office of the Registrar of Births and Deaths, Duggirala and show relevant page to us so as to satisfy us genuineness of Annexure A-1 even though ~~it~~ (X A) is a photostat copy. But such step had not at all been taken by the applicant. Hence, adverse inference has got to be drawn to the case of the applicant. It is quite

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7. We have gone through the Exhibit Annexure A-1. As already pointed out, Annexure A-1, according to the applicant, is the birth extract of the applicant that has been obtained by his father from the Sub Registrar, Duggirala in Guntur District in the year 1953. But Annexure A-1 is not the birth extract as pleaded by the applicant but it is only a photo-stat. copy of the birth extract. As already pointed out ^{while making} ~~by laying~~ the facts of the case, it is the father of the applicant who is said to have been illiterate ^{is} ~~and~~ said to have obtained the said birth extract Annexure A-1. But very strangely in this case, the father of the applicant never seems to have disclosed to the applicant ~~the~~ during his life time that the correct date of birth of the applicant was 7.11.1937 and that he had also obtained the birth extract in 1953 itself in proof of date of birth of the applicant. For the first time, Annexure A-7 has seen ^{the} ~~light~~ of the day only when the representation Annexure A-6 dated 17.9.1990 was made to the 1st respondent by the applicant to correct his date of birth. The applicant in his application had tried to explain the delay with cock and bull stories by saying that his father died in the year 1970 and after his mother died in the year 1983 that his brother took possession of all the books and papers and in the said books and papers that the birth extract Annexure A-1 had got mixed up and that is why, in the

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possible that Annexure A-1 might have been trumped up for the purpose of this O.A. by the applicant as it is only a photostat copy and it is very easy to fake up of the nature of the document Annexure A-1. It is not possible for us as already indicated to accept the date of birth of the applicant as 7-11-1937 on the basis of the photostat copy of the birth extract Annexure A-1 filed by the applicant. As already pointed out while narrating the case, the applicant has filed two other photostat copies of birth extracts. According to the applicant, Annexure A-4 photostat copy relates to his elder second sister and Annexure A-5 relates to him. It is well known that Mandal Revenue Offices were constituted in the year 1984. We are not made known, on what basis photostat copies of Annexures A-4 and A-5 had been granted by the concerned Mandal Revenue Officer to the Applicant. As a matter of fact, here also originals of Annexures A-4 and A-5 ought to have been filed but the same had not been done for the reasons best known to the applicant. As already pointed out, as Mandal Revenue Offices had come into existence in the year 1984 and Mandal Revenue Officers were appointed in the year 1984 and afterwards, it was the duty of the applicant to explain under whose authority and from which office, the said Mandal Revenue Officer could supply photostat copies of Annexure A-4 and Annexure A-5 that are said to be related to the sister of the applicant and the applicant. As we have not placed any reliance on Annexure A-1,

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it is also difficult to place any reliance on Annexures A-4 and A-5 as there is serious doubt in our mind about genuineness of the Annexures A-4 and A-5 also.

8. Once we do not accept Annexure A-1 and A-5, the applicant is not entitled for correction of his date of birth.

9. As seen, the applicant is due to retire on the basis of the date of birth as 15-7-1934 by the end of July, 1992. For the first time he had made representation to the competent authorities for correction of his date of birth as already pointed out on 17-9-1990 i.e., roughly before two years of his retirement. In view of the silence of the applicant in taking appropriate steps for getting corrected his date of birth for a number of years and as he had approached the said authorities for correction of his date of birth at a belated stage, we are not prepared to grant the relief that the applicant as prayed for, as we are of the opinion that there is negligence and inaction on the part of the Applicant.

10. Absolutely we see no merits in this application and hence the application is liable to be dismissed and is accordingly dismissed. The parties shall bear their own costs in this application.

CERTIFIED TO BE TRUE COPY
Date 10/11/92
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.