

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 1235/94.

DATE OF JUDGMENT: 11-10-95.

BETWEEN:

Dr. G.V.Hemalatha Devi

.. Applicant.

AND

1. The Central Board of Direct Taxes,
Rep. by its Secretary,
New Delhi.

2. The Chief Commissioner of Income-Tax,
Andhra Pradesh, Ayakar Bhavan,
Bagheerbagh, Hyderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K.Anantha Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devaraj,
Sr/xxxx CGSC.

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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O.A.No.1235/94.

Dt. of Decision : 11-10-95.

ORDER

As per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Shri K. Anantha Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant is a Class I officer of the Income Tax Department, presently working as Assistant Commissioner Income Tax, at Hyderabad. She joined the Income Tax Department as a probationer in January 1989.

3. As per Annexure 3 of the Certificate of Birth issued under section Registration of Birth and Death Act, 1989, the date of birth of the applicant, according to the original record of birth Register of Nandavaram 1964 (local area) of Tahsil Bangampally Mandal of Kurnool District, AP State, her Date of Birth is recorded as 03-09-1964. However, it is stated by her that the Date of birth in the SSLC Book was wrongly entered as 01-07-1963 instead of 03-09-1964. This error it is stated is probably due to wrong information given by her illiterate parents at the time of joining her at School.

4. The applicant realised the wrong entry of date of birth as entered in SSLC Book in the year 1992, when she came to know that her correct date of birth is 03-09-1964 as per the birth register of the concerned Tehsil Record. Hence, she represented her case for change of date of birth from 01-07-1963 to 03-09-1964. But her request was turned down by R-1 and this was communicated to her by R-2 vide his Memo No.CR No.H-I/PF/Estd/93-94 dated 16-04-1993. Hence, the applicant has filed this OA praying for setting aside the impugned order dt. 16-04-1993 declaring the same as illegal and for a consequential direction to the respondents to alter her date of birth from 1-7-1963 to 3-9-1964.

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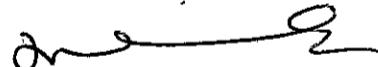
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5. After the case was argued for considerable time, the learned standing counsel for the respondents submitted that no relief can be granted in this case as the valid document to prove the date of birth, namely, the SSLC register is not altered to correspond to the original date of birth indicated in the birth register.

It is further stated by ~~her~~ ^{him} that any relief can be ~~given~~ ^{considered} only if the valid document, namely, the SSLC register is altered to correspond with the original date of birth recorded in the birth register of the concerned Tehsil in accordance with law.

6. Date of birth entered in the SSLC book enabled her to appear for the final school leaving exam and also enabled her to study further and appear for the Civil Services Exam. There is no doubt that this vital record needs to be altered in accordance with rules/regulations or in accordance with law to effect such alteration, to take up for Consideration to grant relief.

7. In view of the above, this OA is liable only to be dismissed and accordingly it is dismissed. No costs.



(R.RANGARAJAN)
Member (Admn),

Dated: The 11th October, 1995

Dictated in the open court


Deputy Registrar (J)

To mvl

1. The Secretary, Central Board of Direct Taxes, New Delhi.
2. The Chief Commissioner of Income-Tax, A.P. Aayakar Bhavan, Basheerbagh, Hyderabad.
3. One copy to Mr.K.Anantha Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI REDDY
VICE CHAIRMAN

AND

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

DATED: 11 -10 -1995

ORDER/JUDGMENT

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

in
O.A.No. 1235/94

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

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

