

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
O.A.NO.1139 of 1995.

Dated: 10.4.1996.

Between

Sakatha Rama Raj

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Applicant

And

1. The Govt. of India Chief Post Master General, A.P.Circle, Dak Sadan,
Hyderabad.

2. Post Master General, Hyderabad Region, Hyderabad.

3. Superintendent of Post Offices, Mahabubnagar, Mahabubnagar District.

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Respondents

Counsel for the Applicant

: Sri. S.Rajeswar Reddy

Counsel for the Respondents

: Sri. K.Bhaskara Rao, Addl. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

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JUDGEMENT

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

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The applicant in this OA was appointed as EDBPM of Pallimarry B.O., Marrikal Sub Office on 9.2.65. The applicant submits that his correct date of birth is 12.10.36 and not 12.2.30 and hence he should not be retired on 16.10.95. He submits that he came to know of his date of birth having been wrongly recorded as 12.2.30 instead of only in the year 1990. 12.10.36. Hence he submitted a representation to R3 dated Nil (A-2 of the OA). He sent reminders also for the change of date of birth. Finally by the impugned order No. B2/246 dated 14.8.95 (A-11) he was informed that he will be discharged from service on attaining the age of 65 years w.e.f. 16.10.95 A.M. on the basis that his date of birth is 17.10.30.

2. The applicant relies mainly on the T.C. issued by the State High School Wanaparthy to contend that his date of birth is wrongly recorded and it should be 12.10.36 and not as 12.10.30. The T.C. of the state high school, Wanaparthy where he had studied upto 8th class is in Urdu at A-9 of the OA and its translation in English is at A-10 of the OA.

3. Aggrieved by the impugned order dated 14.8.95 (A-11) he has filed this OA for setting aside that the impugned order dated 14.8.95 and for a consequential direction to the respondents to continue him until 12.1.2001 treating his date of birth as 12.10.36.

4. The respondents contend that the applicant has signed the details of descriptive particulars when he joined service on 16.2.65. In that record his date of birth is shown as 20.10.30. This was recorded in his presence and he signed

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the same in English as having accepted the same. Hence he cannot now say that his date of birth is wrongly recorded. Further the applicant applied for change of date of birth only after 25 years of his service. If he knows that his date of birth is wrongly entered he should have asked for correction much earlier but not at the fag end of his service. The respondents further contend that the T.C. of state high school Wanaparthy is not genuine. The applicant asked to explain the genuineness of that certificate way back in 1990 but he came to the office to explain the genuineness of the certificate only in 1993 thereby he did not take any initiative to clinch this issue well in time. Further, he was also given an opportunity to explain his conduct for submitting a false T.C. from the state high school Wanaparthy. As his explanation was not satisfactory an official of the department was sent to Middle School Atmakur to check his date of birth from that school as in the attestation form it was stated that he studied at the Middle school Atmakur. But by the time the official started the enquiry in that school that school had already been upgraded as the junior college and the old record pertaining to the applicant was not available. However the Headmaster of the school advised the official who visited his school that the date of birth indicated in Fasli in the Urdu certificate can be converted to the English calendar by adding 5.9.1990. If that is added the date of birth comes as 17.10.30 which is same as recorded in the descriptive particulars. Hence the submission of the applicant that it should be 12.10.36 is incorrect.

5. The main contention of the applicant for urging the respondents to change his date of birth is the school certificate issued by the state high school, Wanaparthy. When



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the respondents doubted the genuineness of the certificate and the applicant was also given an opportunity to explain his conduct it appears no worthwhile explanation was given by him. When the above fact was indicated in the reply statement the applicant did not file any rejoinder refuting that statement. Even at the time of hearing the counsel ~~states~~ submitted that his own version as given in this OA without properly refuting the statement in the reply. In page 3 and 4 of the OA he has given his version to state how it is genuine. But the whole explanation given in that paragraph in the OA is regarding his name ^{and no} ~~from~~ ^{only} worthwhile reason given in regard to the genuineness of the certificate of date of birth. Even in his representation he ~~only states~~ that his date of birth as recorded in the school T.C. at Wanaparthy is to be taken as genuine. But he has not given any reason ^{why} it has to be treated as genuine and on what basis he had come to the conclusion that certificate is genuine. When questioned regarding his inaction in filing a rejoinder for the averments made by the respondents in the reply in regard to the genuineness of the school certificate of Wanaparthy, the learned counsel for the applicant submitted that though he wrote to his client for getting the clarification no reply was ~~filed~~ ^{received}. This explanation cannot be considered ^{as} satisfactory for not filing a rejoinder especially when he is relying on the state school T.C. of Wanaparthy for change of date of birth.

6. The applicant has signed the descriptive particulars even at the time of his joining i.e. on 16.2.65. In that record it is clearly stated that his date of birth was 12.2.30. If he has any doubt about that, he should have got it corrected immediately thereafter by producing the necessary certificate to the respondents. For some reasons unknown he waited till 1990 for submitting his representation for the change of date

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of birth. It is possible that during the period 1965 to 1990 there could have been number of descriptive rolls [seniority list] issued by the P&T department for EDBPM and other staff. If his request is to be treated as genuine he could have asked for correction to the descriptive particulars which showed his date of birth as 12.2.30, but no such action has ~~not~~ been taken ^{genuine rolls} ~~by him~~ and no explanation in this connection has been given either in his OA or in his representation. All these go to prove that the applicant was inactive for over 25 years and when he came to know that he will be discharged shortly he represented his case and that too without any proper material.

7. As stated earlier the applicant relies heavily on the school certificate of Wanaparthy for the change of date of birth. But the genuineness of this certificate is doubted. Even if it is treated as genuine no conversion table for converting the Fasli as given in the Wanaparthy school certificate is given by the applicant. The Atmakur school authorities have given a formula for converting the Fasli into English date of birth. As per this formula his date of birth comes to 17.10.30, as indicated in the reply statement of the respondents. If the applicant has got any reservation to this formula he should have objected to this formula and should have indicated the correct conversion method in his rejoinder. But no rejoinder has been filed. Hence the conversion method of Atmakur school should be taken as correct.

8. The Appex Court has stated that the change of date of birth at the fag end of the service should not be entertained and if such cases are entertained without foolproof evidence it will have to be considered an error on the part of the respondents. The school certificate as produced by the applican



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is not only not genuine but that certificate is also not
an irrefutable proof for coming to the conclusion ~~but~~ ^{that} the
change of date of birth is necessary.

9. In view of what is stated above I see no reasons
for granting the prayer for change of date of birth. In the
result the OA is dismissed as having no merits. No costs.

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(R.RANGARAJAN)
Member (Admn.)

Dated: 10th April, 1996

(Dictated in Open Court)

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Dy. Reg. 3 mo 10th
A.C.E.*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M.E.A)

DATED: 10/4/96

ORDER/JUDGEMENT

M.A.NO/R.A/C.A.NO.

IN
D.A.NO.

1139/95

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