

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1614/95

Date of Order: 19.7.96

BETWEEN:

V.Appala Raju.

.. Applicant.

AND

1. The Chairman, Central Board of Direct Taxes, North Block, New Delhi.
2. The Chief Commissioner of Income Tax, 8th Floor, Ayakar Bhavan, Basheerbagh, Hyderabad-4.

.. Respondents.

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Counsel for the Applicant

.. Mr.P.V.S.S.S.Rama Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

- - -

CORAM:

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

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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Heard Mr.P.V.S.S.S.Rama Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant in this OA is working as Assistant Commissioner of Income-Tax under R2 at Hyderabad. He joined the service on 18.8.89. At the time of his joining the service he had given his date of birth as 20.4.61 and this had been entered in his service register. This date of birth was entered on the basis of the date of birth indicated in the Secondary School leaving certificate. The applicant now submits that in the municipal record his date of birth is entered as 3.5.63 (A-3) and hence requests for alteration of date of birth from 20.4.61 to 3.5.63. He submitted a representation to R1 dated 4.8.94 praying for the change of date of birth as mentioned above. That representation

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was rejected by the impugned order dt. 10.10.94 communicated to him by the impugned letter No.A-4/PF/Estt/94-95, dt. 19.10.94.

3. Aggrieved by the above the applicant has filed this OA praying for a declaration that his date of birth should be corrected as 3.5.63.

4. The main contention in this OA is that as the certificate of birth issued by the Municipal Corporation, Visakhapatnam indicates his date of birth as 3.5.63, the rejection of his representation without adhering to the Municipal record is irregular and arbitrary.

5. The respondents submit that the date of birth in the school leaving certificate is entered as 20.4.61 and the same date has been accepted by him also when he entered the service without any alteration in the school leaving certificate. Hence no relief can be given to the applicant as prayed for in this OA. For this they rely on the judgement of this Tribunal in OA.1190/95 decided on 18.3.96

6. This Tribunal is consistently holding the view that the request for change of date of birth can be considered only if the school leaving certificate is duly altered by the competent authority and on that basis only the request can be considered. In this case the applicant relies only on the certificate issued by Visakhapatnam Corporation for change of date of birth. He has not made any effort to correct the date of birth in the school leaving certificate. Mere production of the certificate of the Visakhapatnam Corporation is not a sufficient and irrefutable proof to order for change of date of birth. In view of the above this application lacks merit and is liable to be dismissed.

7. In the result, the OA is dismissed as having no merits. No costs.

(R. RANGARAJAN)
Member (Admn.)

Dated: 19th July, 1996

(Dictated in Open Court)

sd

Andhra Pradesh
D.R. (S)

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D.A.NO.1614/95

Copy to:

1. The Chairman, Central Board of Direct Taxes, North Block, New Delhi.
2. The Chief Commissioner of Income Tax, 8th Floor, Ayakar Bhavan, Basheerbagh, Hyderabad.
3. One copy to Mr. P.V.S.S.S. Rama Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 19-7-96

ORDER/JUDGEMENT
O.A. NO./R.A./C.P. No.

in.

O.A. NO. 1614/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOTTED
DISPOSED OF WITH DIRECTIONS
DISMISSED ✓
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

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II COURT

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