

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

(11)

O.A. No. 274/97
T.A. No.

199

DATE OF DECISION 5.4.1999

Abdul Waheed Petitioner

Mr. P.N. Jati Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent

Mr. M. Rafiq Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Ratan Prakash, Judicial Member

The Hon'ble Mr. xxx

1. Whether Reporters of local papers may be allowed to see the Judgement ?

✓ 2. To be referred to the Reporter or not ? *yes*

✓ 3. Whether their Lordships wish to see the fair copy of the Judgement ? *yes*

4. Whether it needs to be circulated to other Benches of the Tribunal ?

Ratan Prakash

(Ratan Prakash)
Judicial Member.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.274/97

Date of order: 5.4.1999

Abdul Waheed, S/o Shri Saidullah Khan, aged about 55 years, resident of Jaipur, presently working under the subordination of Senior Superintendent, Railway Mail Service, Jaipur.

Vs.

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. Senior Superintendent, Railway Mail Service, Jaipur.
4. Head Record Officer, Railway Mail Service, Jaipur.

...Respondents

Mr.P.N.Jati - Counsel for applicant.

Mr.M.Rafiq - Counsel for respondents.

CORAM:

Hon'ble Mr.Ratan Prakash, Judicial Member.

PER HON'BLE MR.RATAN PRAKASH, JUDICIAL MEMBER.

Applicant herein Abdul Waheed in this application under Sec.19 of the Administrative Tribunals Act, 1985 has sought correction in his date of birth as 1.10.1941 instead of 1.10.1948 or 1.10.1940 in the records of the respondents' department.

2. The brief facts of the case are that when the respondents' department issued a gradation list as corrected upto 1.7.1993 against the applicant's name in the said gradation list the date of birth was indicated as 1.10.1948. He sought a correction of it mentioning that his correct date of birth is 1.10.1941 and not 1.10.1948. His representations made to the respondents' department were rejected. Aggrieved by it he has approached this Tribunal to seek the aforesaid relief.

3. The respondents have opposed this application by filing written reply to which the applicant has also filed a rejoinder.

(V)

stand of the respondents has been that the correct date of birth as recorded in the Service Book of the applicant is 1.10.1940 and that these entries of the Service Book were duly attested and signed by the applicant on 10.5.1968, 28.1.1975, 10.1.1984 and 25.6.1993. However it is stated by the respondents that due to typographical mistake in the gradation list as at Anxx.A2 against his name the date of birth has been shown as 1.10.1948 which should have been 1.10.1940. The applicant has contested this stand of the respondents by way of filing a rejoinder and has also filed copies of the Transfer Certificate and the Character Certificate of the applicant issued by the School where he studied to show that his correct date of birth is 1.10.1941 and not 1.10.1940.

4. I heard the learned counsel for the parties at great length and examined the record in detail. On a perusal of his Service Book it is evident that at the time of recruitment of the applicant in the year 1961 his date of birth was recorded as 1.10.1940 which was duly signed by the applicant himself on 10.5.1968, 28.1.1975, 10.1.1984 and 25.6.1993 and attested by competent authority. Further more in a declaration given by the applicant himself in the year 1978 about the particulars of his family, he has indicated his date of birth as 1.10.1940 which declaration is also under the signature of the applicant.

5. It may be that in the School records the date of birth of the applicant was entered as 1.10.1941 but at the time of his entry into Govt service, the applicant gave his date of birth as 1.10.1940. This date is consecutively signed by him on three or four occasions and duly attested by competent authority. It therefore cannot be said that the entries in the Service Book of the applicant which is maintained since the year 1961 is wrong. If there would have been any mistake in the declaration of his date of birth as 1.10.1940 then how



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...Respondents

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could he declare his date of birth as 1.10.1940 in the declaration form of his family particulars, submitted by him in the respondent's department in the year 1978; which is also duly countersigned by the Sr. Superintendent of RMS, Jaipur Division, Jaipur.

6. In view of above, it cannot be said that there is any ground for correction in the date of birth of the applicant in the service record which has been correctly mentioned in the Service Book/Roll of the applicant as 1.10.1940 by the respondents' department. Moreover, it is the settled law that correction in the date of birth cannot be allowed to be made at a belated stage as has been held by Hon'ble the Supreme Court in the case of Union of India Vs. Ram Suia Sharma (1996) 7 SCC 421. In the instant case, the applicant has moved for correction of his date of birth after almost 30 years and that too ~~occurred in~~ when a typographically mistake/ gradation list published in the year 1993. For all the aforesaid reasons, I do not find any merit in the O.A which is dismissed with no order as to costs.



(Ratan Prakash)

Judicial Member.