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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 886 of 2005

Jabalpur, this the 28th day of September, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Heeralal, S/o. Dubraj, Ex-Helper,
Khalasi, SE(We), Beohari, West Central
Railway, R/o. Post and Village – Jhara,
Distt. Sidhi.

.... Applicant

(By Advocate – None)

Versus

1. Union of India, through Secretary (Estt.), Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, West Central Railway, Jabalpur.
3. Divisional Railway Manager, West Central Railway, Jabalpur.
4. Assistant Engineer, West Central Railway, Jabalpur Division, Beohari (MP). Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the following main reliefs :

“(A) to direct the respondents to make necessary correction in the date of birth recorded in the service register as per school certificate and retire the applicant only on superannuation as per actual date of birth so altered,

(B) the respondent be directed to put back the applicant to duty immediately, treating the intervening period on duty for all purposes.”

[Signature]

2. The brief facts of the case are that the applicant was appointed as Causal Labour in Class-IV category, initially in the year 1974 and was subsequently regularized in the year 1989. He was posted as Helper Khalasi at Saraigram Railway Station. The applicant has now retired from service and after retirement he is now claiming that his date of birth has wrongly been recorded by the respondents as 1st March, 1945 instead of 1st March, 1954 in his service record. In the OA he submitted that if his date of birth is recorded as 1st March, 1954 then he should be continued in service till 2014.

3. We find that as per the law laid down by the Hon'ble Supreme Court the applications for change of date of birth should not be entertained at the fag end of retirement of the Government servant. The rule position is also very clear and it provides that the Government servant is required to move an application if there is wrong date of birth recorded in his service record, within 5 years of his entry into the service. In this ~~case~~^{context} we are relying upon the judgment of the Hon'ble Supreme Court in the case Union of India Vs. Harnam Singh, (1993) 24 ATC 92. The Hon'ble Supreme Court in the aforesaid case has observed that "those Government servant who were already in service before 1979, for a period of more than five years, and who intended to have their date of birth corrected after 1979, may seek the correction of date of birth within a reasonable time after 1979 but in any event not later than five years after the coming into force of the amendment in 1979". In the present case the applicant has not moved any application for change of date of birth during his entire service and it is only after retirement he is claiming that his date of birth was wrongly recorded in the service record and after recording the correct date of birth he should be reinstated again in the Government service. This prayer made by the applicant is without any basis and cannot be entertained at this stage and is rejected.

4. Accordingly, the Original Application is dismissed at the admission stage itself.

(Madan Mohan)
Judicial Member
"SA"

M.P. Singh
(M.P. Singh)
Vice Chairman

पूळांकन सं. ओ/व्या..... जवाहलपुर, दि.....

चलिंगिपि अचे शिक्षा:-

- (1) गांधी, उदय नानाकरण देव उर्द्देश्य, जवाहलपुर
- (2) वारेंड्या शे/वी. शे/वी. द्वारा..... ले दाखेल
- (3) फलवर्णी शे/वी. शे/वी. द्वारा..... ले दाखेल
- (4) चंधपाल, खेड़वा, जवाहलपुर व्याख्यात

H.S. Venkay BN
Kalmi

सूचना एवं आवश्यक कार्यवाली इत्यु

अम रजिस्ट्रार

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