

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

OA 183/2013  
MA 2583/2013

New Delhi, this the 3rd day of November, 2016

**Hon'ble Mr. Justice M.S. Sullar, Member (J)**  
**Hon'ble Mr. P.K. Basu, Member (A)**

1. Late Smt. Ganga Devi  
W/o Late Shri Ramesh Chand  
R/o H.No.32-J, Railway Colony,  
Tughlakabad, New Delhi, through legal heirs

1/1. Mr. Anil Kumar  
S/o Late Smt. Ganga Devi  
R/o H.No.32-J, Railway Colony,  
Tughlakabad, New Delhi

1/2. Ms. Sunita  
D/o Late Smt. Ganga Devi  
R/o Akharpur Barota (62)  
Sonipat, Haryana

1/3. Ms. Suman  
D/o Late Smt. Ganga Devi  
R/o B-868, ITI Road,  
Gandhi Colony,  
NIT, Faridabad

1/4. Ms. Maya  
D/o Late Smt. Ganga Devi  
R/o H.No.32-J,  
Railway Colony,  
Tughlakabad, New Delhi

1/5. Ms. Sheela  
D/o Late Smt. Ganga Devi  
R/o H.No.32-J,  
Railway Colony,  
Tughlakabad, New Delhi

1/6. Ms. Seema  
D/o Late Smt. Ganga Devi  
R/o H.No.32-J,  
Railway Colony,  
Tughlakabad, New Delhi

... Applicants

(Through Shri Vikas Sethi, Advocate)

Versus

1. Union of India  
Through the General Manager  
Northern Railway  
Head Office Baroda House  
New Delhi-110001
2. The Divisional Railway Manager,  
Northern Railway, Delhi Division,  
DRM Office, Paharganj,  
New Delhi
3. The Asstt. Personnel Officer,  
Northern Railway, Delhi Division,  
DRM Office, State Entry Road,  
New Delhi

... Respondents

(Through Shri R.N. Singh, Advocate)

### ORDER (Oral)

Mr. P.K. Basu, Member (A)

The applicant was appointed as Safai Karamchari by the respondents with effect from 18.02.2002 on compassionate appointment as her husband late Shri Ramesh Chand had died in harness as Shunting Master in Northern Railway.

2. According to the applicant, she moved a representation dated 9.07.2012 seeking change in date of birth in her service records from 12.09.1953 to 12.09.1960. This was claimed on the basis of date of birth recorded in pension papers as 12.09.1960. The railways rejected her request vide letter dated 22.08.2012 on the ground that her date of birth dated 12.09.1953 had been recorded in the appointment letter and service book on the basis of documents provided by the

applicant at the relevant time and that is final and, in case, the applicant felt that there was error in her date of birth, appeal was to be filed within three years from the date of appointment, which has not been done by the worker. Thereafter, the applicant was informed vide letter dated 30.08.2012, which reads as follows:

"In reference to your request dated 09/7/2012, for change of your Date of Birth, it is advised that you had submitted the affidavit as a proof of your Date of Birth at the time of appointment and you had indicated your Date of Birth as 12.9.53. Accordingly, the same was recorded/ indicated in the appointment letter/ service book, medical memo. Moreover, your late husband had also indicated your age as 47 years in the P.F. nomination form filled on 7-3-2000. According to this, your date of birth happens to be in the year 1953 which is correct. A copy of the same is enclosed. Accordingly, at this stage the date of birth can not be altered as requested."

3. Thus, the applicant's request was rejected on the following grounds:

- (i) At the time of appointment, the applicant had submitted an affidavit as proof indicating her date of birth as 12.09.1953;
- (ii) Her late husband had also indicated her age as 47 years in PF nomination forms filled up on 7.03.2000, according to which her year of birth is 1953; and
- (iii) Any appeal for change of date of birth had to be filed by her within three years from the date of

her appointment, which has not been done by the applicant.

4. This OA has been filed by the applicant being aggrieved by orders dated 22.08.2012 and 30.08.2012, seeking the following reliefs:

- (a) To quash and set aside the impugned orders dated 22.08.2012 and 30.08.2012 (Annexure-A1, A2) directing the respondents to re-examine the case of the applicant and alter the date of birth on the basis of affidavit submitted by her as well as Pension Payment Order in service record and the O.A. be allowed accordingly.
- (b) To call for the personal file of the applicant vide File No.729-E/6/2964/P-II dated 5.11.2001.
- (c) To award the cost in favour of the applicant and against the respondents.

5. In their reply, the respondents have taken the stand that based on applicant's affidavit, her date of birth was indicated in the appointment letter and service book as 12.09.1953. At the time of her appointment, the applicant never protested. According to Master Circular No.12 dated 12.09.2011, in case the person cannot produce any documentary evidence such as matriculation certificate, municipal certificate, school leaving certificate or baptismal certificate, then he or she has to produce in support of declaration of date of birth an affidavit, which was done by the applicant in which date of birth was recorded as

12.09.1953. The applicant never approached the respondents after her appointment in 2002 and only filed a representation for change of date of birth in 2012 i.e. after ten years.

6. We have heard the learned for the parties and gone through the pleadings available on record.

7. In this case, the applicant herself declared her date of birth to be 12.09.1953 at the time of her appointment. Her husband had also declared her year of birth as 1953 in PF nomination. After her appointment in 2002, the applicant kept mum till 2012 i.e. for a period of ten years. If she had any grievance relating to her date of birth, she could have filed a representation within three years, which she did not.

8. In the facts and circumstances of the case, the OA is found to be lacking in merit. It is, therefore, dismissed. No costs.

( P.K. Basu )  
Member (A)

( Justice M.S. Sullar )  
Member (J)

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