

**Central Administrative Tribunal  
Principal Bench**

**OA No.1808/2015  
MA No.1890/2017**

New Delhi, this the 18<sup>th</sup> day of May, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)  
Hon'ble Mr. P.K. Basu, Member (A)**

Sundri Devi (Peon),  
DOB : 23.06.1966 (Actual),  
DOB: 23.06.1957 (In official record),  
D/o Shri Ram Dev,  
R/o Qtr. No.1995, type-II,  
Sector-I, Pushp Vihar,  
Delhi

...Applicant

(By Advocate : Shri Sachin Chauhan)

**Versus**

1. Union of India,  
Through the Secretary,  
Ministry of Defence ,  
South Block,  
New Delhi.
2. The Joint Secretary (Establishment),  
Ministry of Defence,  
Govt. of India,  
Room No.-323, B-Wing,  
Sena Bhawan,  
New Delhi.
3. The Secretary,  
Government of India,  
Ministry of Personnel, Public Grievances & Pension,  
Department of Personnel & Training,  
North Block,  
New Delhi.

...respondents.

(By Advocate : Shri Deepak Bhardwaj)

**ORDER (ORAL)****Mr. V. Ajay Kumar, Member (J) :-**

The applicant who is working as Peon under the respondent, Ministry of Defence, filed this OA questioning the Annexure-A/1 order dated 30.03.2015, whereunder the request of the applicant to change her date of birth from 23.06.1957 to 23.06.1966 was rejected.

2. The brief facts of the case are that the applicant was appointed as Peon on 19.01.1990, on compassionate grounds and at that time her date of birth was inadvertently recorded in the service book as 23.06.1957. The applicant being an illiterate person and as the service book was never shown to her, she was not aware of the fact of recording of her date of birth as 23.06.1957. During 2010, she came to know from her colleagues that she is going to be retired on attaining the age of superannuation in the year 2017 and then she understood that her date of birth was wrongly recorded, though her actual date of birth is 23.06.1966. Accordingly, thereafter she made the efforts to obtain a birth certificate and the Directorate of Statistics and Evaluation, Government of Bihar, Department of Planning and Development issued Annexure-A/5 Birth Certificate, certifying that the applicant's date of birth was 23.06.1966 and accordingly, the applicant made representation to the respondents on 09.03.2015, enclosing her birth certificate, seeking correction in the service register as 23.06.1966 from 23.06.1957. However, the respondents in an illegal and arbitrary manner and without applying proper mind, rejected her request by the Annexure-A/1 order dated 30.03.2015.

3. *Per contra*, the learned counsel for respondents submits that the applicant declared her date of birth as 23.06.1957 several times during filling different forms in her long service of 25 years. He further submits that according to Fundamental Rule-56, the Government employee is permitted to make a request for correction in date of birth within five years from the date of entry into Government service, that too if a bonafide mistake has occurred. Since the applicant preferred the representation seeking correction of date of birth after a lapse of 22 years, the same cannot be acceded to and accordingly, rightly rejected by the respondents.

4. We have heard Shri Sachin Chauhan, learned counsel for applicant and Shri Deepak Bhardwaj, learned counsel for respondents and perused the pleadings on record.

5. The applicant by way of filing the instant OA also sought for quashing of Note No.5 of FR-56 and condition No. A of para 2 of OM dated 16.12.2014, which prohibits consideration of the request for correction of date of birth after five years from the date of entry into Government service. Legislature thought it fit to incorporate such a condition under the FR-56 which is also reiterated in the OM to put an end to the litigation from Government servants. The period of five years is quite reasonable as any person who entered into Government service can always understand the consequences of recording of a particular date as date of birth in his/her service book. For this purpose it does

not matter whether the Government servant is illiterate or highly educated person.

6. As rightly pointed out by the learned counsel for respondents that the applicant herself at various occasions confirmed her date of birth as 23.06.1957 while giving family details in 2003 and 2010 and also on various occasions. Hence, it cannot be said that the applicant was not aware of the recording of her date of birth as 23.06.1957. The Hon'ble Apex Court in various decisions considered the issue of correction of date of birth of the Government servant including in ***Union of India Vs. Harnam Singh*** 1993 AIR 1367.

7. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly, the same is dismissed. No costs.

**MA No.1890/2017**

8. In view of the above order passed in the OA, MA stands disposed of.

( P.K. Basu )  
Member(A)

( V. Ajay Kumar )  
Member(J)

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