

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00032/2019

Dated Wednesday the 9th day of January Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

Smt. Jayammal,
W/o late K. Chellan,
No. 56G/90, Theradi Street,
Minjur Post, Ponneri Taluk,
Tiruvellore Dist 601205.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,
The General Manager,
Southern Railway,
Park Town, Chennai 600003.

2.Sri. D.W.Samuel,
The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway,
Park Town, Chennai 600003.

....Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records related to the impugned order No. M/P.353/CC/OA 423/2017 dated 03.05.2018 made by the 2nd respondent and to quash the same and further to direct the respondents to add 20% of the basic pension with all the attendant benefits with admissible interest effective from 02.11.2011 and to make further order/orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

2. It is submitted that the applicant who is a family pensioner was aggrieved by the rejection of her request for change of date of birth to enable her to receive enhanced pension on completion of 80 years of age. She filed OA 423/2017 which was disposed of by this Tribunal directing the competent authority to consider the PAN card submitted by the applicant for the purpose of determining her age and accept it unless proof to the contrary was available from other more authentic sources. The impugned Annexure A2 order has been passed in pursuance thereof, rejecting her claim on the ground that her claim that she had completed 80 years of age was not proved by any other more authentic and more reliable records.

3. Learned counsel for the applicant would submit that the DoPT OM dt. 13.09.2012 permits PAN card to be accepted as sufficient evidence for the purpose of correction of date of birth and no inquiry into the correctness of the PAN card entry is envisaged. Even if certain other documents contained a different entry, the applicant being an illiterate had no control over it and, therefore, it could not be cited against her. The applicant had not declared her

date of birth either for the purpose of ration card or voter ID or AADHAAR card and as such having allowed the PAN card entry to be taken into account for correction of date of birth, the respondents could not discriminate against the applicant when such entry is accepted in case of other similarly placed persons.

4. Mr. P. Srinivasan takes notice for the respondents and submits that the respondents had passed a reasoned and speaking order on why the date of birth based on the PAN card was not acceptable to them. There is abundant contrary evidence in support of the entry in the PPO which was based on the declaration of the deceased Government employee and, therefore, the competent authority has correctly decided the case, it is contended.

5. We have considered the matter. It is not in dispute that this Tribunal directed the competent authority to consider the PAN card submitted by the applicant and accept it unless proof to the contrary was available from other more authentic and reliable documents. Although the applicant seeks to rely on the OM of DoPT dt. 13.09.2012, it is also seen in para 4(ii) of the OM that the Head of Department could allow the change in the date of birth of the family pensioner if he is satisfied that the conditions indicated in the department's OM dt. 21.05.2009 had been fulfilled and a bonafide mistake had been made in recording date of birth in the PPO.

6. In view of the above, the satisfaction or otherwise of the competent authority could not be brushed aside only on the basis of one documentary evidence produced by the applicant when contrary evidence was also available.

A reasoned and speaking order has been passed and we see no reason to interfere in the matter. OA is devoid of merits and is accordingly dismissed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

09.01.2019

SKSI