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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6090/2017 and C.M. Nos. 25277-25279/2017**

DEVKI NANDAN

..... Petitioner

Through: Mr. Kuldeep Kumar & Mr. Manish
Kumar Sharma, Advocates along with
petitioner in person.

versus

UNION OF INDIA AND ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

30.08.2017

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1. The petitioner has preferred the present writ petition to assail the order dated 02.03.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 455/2017.
2. By the impugned order, the said Original Application of the petitioner has been dismissed. The petitioner had preferred the said Original Application to seek a direction to the respondents to treat his Date of Birth (DOB) as 20.02.1958 as opposed to 20.02.1957.
3. The petitioner was appointed as a casual labour in the respondent

Railways in February 1976. After holding the process of screening, he was regularised as permanent railway servant in the year 1979. In the service book of the petitioner, his DOB was mentioned as 20.02.1957. However, the same was tampered with and the figure '7' was overwritten as '8' and the entry in words 'seven' was struck off and the word 'eight' written on top. The petitioner, to substantiate his claim, sought to place reliance on several documents issued during the service tenure of the petitioner from time to time, wherein his DOB was recorded as 20.02.1958.

4. The Tribunal, however, rejected the petitioner's claim on the premise that in the service record certified by the Traction Foreman Grid Sub Stations, Northern Railway, Khurja Junction (UP), the DOB of the petitioner is recorded as 20.02.1957. At the time of his initial appointment on 02.02.1976, his age was recorded as 18 years and 11 months. Consequently, the tampering of the original record, as aforesaid, was clearly evident. The Labour Card issued to the petitioner with his thumb impression, produced by the respondents, also showed his DOB as 20.02.1957. A notification dated 21.12.1977 was issued after screening of substitutes/ casual labourers, whereby persons were placed on panel for Class-IV categories in which the petitioner's name appear at serial No.201 and his DOB was mentioned as 20.02.1957. On the aforesaid premise, the Tribunal held that there had been tampering in the service record of the petitioner insofar as the year has been changed to 1958. The Tribunal, however, did not go into the aspect of tampering.

5. The submission of learned counsel for the petitioner is that the petitioner's DOB was mentioned as 20.02.1958 in inter se documents issued

by the respondents, including his promotion orders. Even when he was granted loan, his DOB was mentioned as 20.02.1958. Learned counsel submits that the petitioner was never shown his service record and, therefore, there was no occasion for him to tamper with the same, or even to learn that his DOB is recorded as 20.02.1957. The petitioner has placed on record further documents, namely his school leaving certificate certified on 24.07.2017 to claim that his DOB was indeed 20.02.1958.

6. The aforesaid narration shows that the petitioner's DOB in the original record of the respondents was 20.02.1957. At some stage, the same was tampered and made into 20.02.1958. It appears that, on that basis, in some of the documents relied upon by the petitioner, the DOB of the petitioner came to be recorded as 20.02.1958. However, the initial documents, taken note of by the Tribunal and above referred to, all record the DOB of the petitioner as 20.02.1957. The service record of the petitioner recorded that the age of the petitioner as on the date of his initial appointment on 02.02.1976 was 18 years and 11 months. Had his DOB been 20.02.1958, he would not have crossed the age of 18 years on the date of his appointment.

7. In these circumstances, in our view, the Tribunal was completely justified in rejecting the Original Application.

8. Even otherwise, it is well-settled that issues with regard to correction of DOB have to be raised at the earliest and not at the fag end of the tenure of service, as sought to be done by the petitioner. In fact, considering the DOB of the petitioner as 20.02.1957, he has already attained the age of

superannuation on 20.02.2017. The Original Application was preferred by the petitioner two months before his attaining the said age.

9. In these circumstances, there is no merit in the petitioner's case.

10. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 30, 2017

B.S. Rohella