

A

UNION OF INDIA

v.

RAM SUA SHARMA

FEBRUARY 15, 1996

B

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law :*

C

*Date of Birth as entered in service records—Correction of—Claim made after 25 years—Tribunal accepting the same and directing the Government to consider the correction—Held : The direction is per se illegal.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3626 of 1996.

D

From the Judgment and Order dated 23.12.94 of the Central Administrative Tribunal, Jabalpur, in O.A. No. 270 of 1994.

Ms. Niranjana Singh and Ms. Anil Katiyar for the Appellants.

T.G.N. Nair for the Respondents.

E

The following Order of the Court was delivered :

Leave granted.

F

The controversy raised in this appeal is no longer *res integra*. In a series of judgments, this Court has held that a court or tribunal at the belated stage cannot entertain a claim for the correction of the date of birth duly entered in the service records. Admittedly, the respondent had joined the service on December 16, 1962. After 25 years he woke up and claimed that his correct date of birth is January 2, 1939 and not December 16, 1934. That claim was accepted by the Tribunal and it directed the Government

G

to consider the correction. The direction is *per se* illegal.

The appeal is accordingly allowed. No costs.

G.N.

Appeal allowed.