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Court : Central Administrative Tribunal CAT Chandigarh

Decided On : Feb-28-2012

Judge : The Honourable Mrs. Shyama Dogra, Member (J)

Appeal No. : Original Application No.1283-CH-2011 & MA 165 of 2012

Appellant : Chanderwati

Respondent : Union Territory Chandigarh Through Its Financial Secretary-cum-secretary Engineering and Others

Judgement :

Oral:

MRS. SHYAMA DOGRA, MEMBER (J):

1. Heard the learned counsel for the parties.
2. On 10.2.2012, to expedite the matter, without awaiting for reply from the respondents, they were directed to produce the relevant record relating to Date of Birth of the applicant.
3. Today, the learned counsel for the applicant has placed on record a copy of the Letter Dt.25.02.2012 from the Executive Engineer, C.P. Division No.2 (Roads),

Chandigarh informing therein that Sh. Jeet Ram, Senior Assistant and Sh. Gurjit Singh, Sectional Officers of their office had visited the office of Headmaster, Govt. Primary School, Malhapur Jannu, Tehsil-Bilari, Distt. Muradabad and got the Date of Birth of the applicant and found to be duly authenticated as per copy of School Leaving Certificate, enclosed which the letter and the same certificate is already available with the respondents. In this certificate applicant's date of birth is shown as 16.2.1962, which she claims to be her actual date of birth.

4. In the said letter, it is also informed that the original affidavit given by the applicant showing same date of birth (16.2.1962) is not traceable in the office. However a copy thereof has been placed on record by the learned counsel for the applicant.

5. It is also orally informed by the learned counsel for the respondents on their instructions that apart from this record (Certificate), the respondents do not have any other record to show on what basis some other date of birth of the applicant was record in the Notification issued on 20.5.1996.

6. Thus, in view of these facts and circumstances of the case, it is inferred from the certificate and affidavit that the applicant's date of birth is 16.2.1962 and not 06.2.1952. It appears that date of 06.2.1952 has been inadvertently recorded in the Notification because the respondents have not shown any authenticated document on the basis of which her date of birth in the Notification was recorded as 06.2.1952. Thus, it is held that applicant has ably passed through substantial piece of evidence that her date of birth is 16.2.1962 to enable her to continue to work as daily wager further.

7. Therefore, taking into consideration that this is not a case of change of date of birth at the way end of service career but it is a case for correction of date of birth already recorded and duly authenticated through documentary evidence already on record with the respondents and whose authenticity and genuineness is further confirmed by the respondents themselves, the respondents are directed to take 16.2.1962 as the date of birth of the applicant and allow her continue as daily wager as per law and rules.

8. In terms of these observations and directions as above, this O.A. stands disposed of with no orders as to costs.

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