



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE SANJEEV SACHDEVA**

**&**

**HON'BLE SHRI JUSTICE VINAY SARAF**

**ON THE 24<sup>h</sup> OF APRIL , 2025**

**MISC. PETITION No.3181 of 2023**

*ARVIND KUMAR*

*VERSUS*

*UNION OF INDIA AND OTHERS*

.....  
**Appearance:**

*Shri Gautam Prasad – Advocate for Petitioner.*

*Shri Shyam Yadav – Advocate for Respondents.*

.....  
**ORDER**

*Per: Justice Vinay Saraf*

1. Petitioner impugns order dated 22.03.2022 passed by the Central Administrative Tribunal, Jabalpur Bench Jabalpur in O.A.No.541/2016, whereby the application of the petitioner seeking direction for rectification



of the date of birth in service book was dismissed.

2. With the consent of the parties, the petition is taken up for final disposal.

3. Petitioner was initially appointed on the post of Casual Labour on 19.01.1980 and was subsequently absorbed in Grade 'D' post and superannuated from the post of Labour, working under the Senior Section Engineer (Works) WCR, Jabalpur. As per the petitioner, in Casual Labour Card, his date of birth was recorded as 14.02.1962, which was subsequently changed by overwriting to 14.02.1964 erroneously, however, later on when his services were absorbed on Group 'D' post, his date of birth was incorrectly recorded in the service book as 16.02.1956. When the petitioner came to know regarding recording of the date of birth as 16.02.1956, he submitted an application for correction in the service record and submitted School Leaving Certificate, wherein the date of birth of the petitioner was mentioned as 14.02.1964. As per the petitioner, in the service record i.e. the Casual Labour Card, his date of birth was recorded as 14.02.1962 and by over writing, the digits of the year was changed to 14.02.1964. Till July 2010 in his salary slips his date of superannuation was mentioned as



29.02.2024, however, subsequently it was changed as 29.02.2016.

4. Petitioner being illiterate person obtained the copies of the document under the Right to Information Act and submitted an application-cum-affidavit for correction of the date of birth in the service record on 28.12.2001. Upon affidavit of the petitioner, an order was passed on 08.10.2007 by Senior Section Engineer directing the Section Engineer to hold an enquiry in respect of the correct date of birth of the petitioner. Petitioner filed another application for correction of the date of birth upon which the office note dated 11.05.2012 was written by the Dealing Officer observing that date of birth of the petitioner should be changed from 16.02.1956 to 14.02.1962. This note was approved by Senior DPO on 15.05.2012, however, petitioner was informed by order dated 19.05.2014 that his application had been rejected.

5. Petitioner filed Original Application No.986/2014 before the Central Administrative Tribunal, Jabalpur, (hereinafter referred to as the Tribunal) which was decided by order dated 09.09.2015 holding that undisputedly in the Casual Labour Service Card issued by the respondents, at the time of



appointment of the petitioner as Casual Labour on 19.01.1980, the date of birth of the petitioner was mentioned as 14.02.1962 and his age as 18 years and therefore, in the absence of any supporting document suggesting the date of birth of petitioner as 16.02.1956, the clerical error or mistake can be corrected as the petitioner is an illiterate staff. The rejection of the petitioner's claim for alteration of the date of birth was referred to General Manager for passing a reasoned order within a period of two months from the date of communication of the order by taking into consideration the observation made in the order.

6. Thereafter, petitioner submitted a fresh application for correction in the records on 18.09.2015, which was declined by Senior Divisional Engineer (HQ) WCR, Jabalpur by order dated 09.11.2015. Said order was challenged by the petitioner before the Tribunal in O.A.No.212/2016, which was withdrawn with liberty to file a fresh OA and consequently subject O.A.No.541/2016 was preferred by the petitioner.

7. Learned counsel for the petitioner submits that at the time of joining the respondent/organization the date of birth of the petitioner was recorded in



Casual Labour Service Card as 14.02.1962 and by over writing the year was changed later on as 1964 without any order and authority. He further submits that though petitioner submitted the documents showing his date of birth as 14.02.1964, however petitioner would be satisfied, if his date of birth is considered as 14.02.1962. He has relied on the office note recorded on 11.05.2012, wherein upon the application of correction in the date of birth, the Senior Divisional Manager recommended for correction in the service record as 14.02.1962 in place of 16.02.1956. He submits that despite that the date of birth was not corrected in the service book. He further submits that there is no document on record to support the date of birth as 16.02.1956 and the same has been recorded in the service book erroneously without any basis and as soon as petitioner came to know about the said date, petitioner made a request for correction. He prays for setting aside the impugned order passed by the Central Administrative Tribunal, Jabalpur with further directions to the respondents to extend all consequential benefits to the petitioner treating his date of birth as 14.02.1962.



8. Learned counsel appearing on behalf of the respondents submits that after due consideration of the request for change in the date of birth, same was declined as the petitioner failed to produce any reliable evidence in support of his contention. He further submits that in the year 2004, petitioner checked his service book and verified the entries recorded in it. He further submits that no employee can claim right to correct the birth date ordinarily and there should be some reliable satisfactory material for change in the date of birth mentioned in the service record. He further submits that petitioner remained silent for long time and did not seek any alteration in the date of birth and as petitioner has not applied within three years from the preparation of the service book, his prayer for correction in the date of birth cannot be accepted.

9. He further submits that the Tribunal has rightly held that if the date of birth of the petitioner is considered as 14.12.1964, his age would be 15 years 11 months and 5 days at the time of entry in the service and the same was not possible as the minimum age for contract labour was 18 years. He further submits that certificate of Government Middle School, Partala submitted by



the petitioner was not reliable as the same was issued in the year 2011. He further submits that after considering the arguments of the petitioner and after examining the entire record, learned tribunal has decided the original application by the impugned order and the same does not require any interference.

**10.** We note that petitioner joined the work on 19.01.1980 and a Casual Labour Card was issued by the department to the petitioner, wherein his date of birth was recorded as 14.02.1962 and the age at the time of joining as casual employment was recorded 18 years. Considering the fact that petitioner joined the service at the age of 18 years, the date of birth 14.02.1962 appears to be correct. Though there is some over writing and correction in the year of birth, but in the column of age at initial casual employment, there is no over writing or correction. The copy of the Casual Labour Card issued by the respondent has been filed by both the parties.

**11.** For the purpose of convenience, the second page of the card is reproduced as under:

Cont

**12.** In the service record on which basis, the date of birth was recorded as 16.02.1956 is not available. After consideration, the Senior Divisional Engineer on 11.05.2012 recommended for correction in the date of birth of





the petitioner in the service record from 16.02.1956 to 14.02.1962, which was however not complied. Initially, petitioner prayed for recording of his date of birth as 14.02.1962, however later on after medical examination in the year 1989, wherein his age was suggested as 25 years, he started to claim his date of birth as 14.02.1964. The application dated 20.03.2014 submitted by the petitioner is available on record, by which the petitioner made a request to correct his date of birth as 14.02.1962. On the basis of material available on record specially Casual Labour Card, wherein the date of birth was originally recorded as 14.02.1962 and age at the time of entry in the service was recorded as 18 years and in the absence of any document supporting the date of birth of petitioner as 16.02.1956, in our view, the date of birth of the petitioner was erroneously recorded as 16.02.1956 in the service book later on and same ought to have been corrected and the same is liable to be corrected.

**13.** The Tribunal at the time of deciding the Original Application of the petitioner failed to consider the Casual Labour Card and the date of birth mentioned in the same. It is true that in the original application and even in



the present petition, petitioner is seeking relief to change his date of birth as 14.02.1964, but same cannot be accepted as if it were to be accepted, the age of the petitioner at the time of joining the initial service would be less than 16 years, wherein in the Casual Labour Card, his age was mentioned as 18 years. Petitioner has been superannuated on 29.02.2016 considering his date of birth as 16.02.1956 and as on today, he is not in service. We may note that petitioner has not worked since 01.03.2016 till 28.02.2022. It is not the case, wherein the petitioner has made a request for correction in the date of birth recorded in service book at the fag end of his service. Petitioner is agitating this issue since 2001 and has had to approach the Central Administrative Tribunal three times for that purpose and therefore, in the given facts and circumstances, the petition for correction in the date of birth is entertainable.

**14.** In our view the impugned order passed by the Central Administrative Tribunal suffers from patent error and is liable to be interfered with. Tribunal has committed an error in not appreciating all the documents available on record particularly, the Casual Labour Card relied upon by both the parties. It is not the law that under no circumstances, the date of birth



recorded in the service book can be corrected. We are conscious that ordinarily order for correction of date of birth in service record should not be passed, however, when we are satisfied that the correct date of birth of the petitioner is 14.02.1962, the service record should be corrected.

**15.** We have asked the learned Standing Counsel appearing for the respondent to produce the original record and upon production of the record, we have examined the same and found that there is not a single document to support the date of birth of the petitioner as 16.02.1956. When the competent authority examined the record and suggested to correct the date of birth in the year 2012 itself, why the same was not corrected, has not been explained by the respondents.

**16.** In view of the above facts and circumstances, we deem it just and proper to allow the present petition by setting aside the impugned order dated 22.03.2023 passed by Central Administrative Tribunal, Jabalpur in O.A.No.541/2016 to the following extent :-

(i) In the service book of the petitioner, the date of birth be corrected and recorded as 14.02.1962.



(ii) The pension of the petitioner be fixed again considering him in service till 28.02.2022 and arrears of pension be paid to him along with interest @6% p.a.

(iii) As the petitioner has not worked since 01.03.2016 till 28.02.2022 applying the principle of 'No Work, No Pay', petitioner is held not entitled for any wages or salary for the said period. Said period shall be considered only for the purpose of re-fixation of the pension.

(iv) The aforesaid exercise be completed within three months from today.

17. The petition is partly allowed and is disposed of in the above terms.

There shall be no order as to costs.

**(SANJEEV SACHDEVA)**  
**JUDGE**

**(VINAY SARAF)**  
**JUDGE**

P/