

F.No.19017/2/92-Estt.(A)

Government of India  
Ministry of Personnel, Public Grievances &  
Pensions  
( Department of Personnel & Training )

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New Delhi, dated the 19-5-93

OFFICE MEMORANDUM

Subject: Alteration of date of birth of a Government Servant.-  
Civil Appeal No. 502 of 1993 - Union of India Vs.  
Harnam Singh - Judgement dated 9th February, 1993  
by the Hon'ble Supreme Court.

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As Ministry of Finance etc. are aware, the DP&AR Notification No. 19017/7/79-Estt.(A) dated 30th November, 1979 (incorporated as Note 6 below FR-56) which was published as S.O. 3997 in the Gazette of India dated 15.12.1979 and came into force from that date, provides, inter alia, that a request for alteration in date of birth can be made by a Government servant only within 5 years of his entry into Government Service. Further, while incorporating the condition of 5 year time limit for making a request for alteration in the date of birth in the Service records, no distinction was made in respect of Government servants already in service vis-a-vis the future recruits. Despite the clear rule position, references continue to be received in this Department from various Ministries/Departments seeking clarification regarding applicability or otherwise of the provisions relating to time limit of 5 years to employees who were appointed to civil posts prior to the date of effect of the Notification i.e. 15.12.1979. In a recent Judgement given by the Supreme Court on 9.2.1993 in Civil Appeal No. 502 of 1993 (Union of India Vs. Harnam Singh), the Supreme Court has inter alia observed that in regard to the Government Servants who had joined service prior to 1979, the correction of date of birth should be made within a period of 5 years from 1979. Relevant extracts from the said judgement are reproduced below:

"It would be appropriate and in tune with harmonious construction of the provisions to hold that in the case of those Government servants who were already in service before 1979, for a period of more than five years, and who intended to have their date of birth corrected after 1979, may seek the correction of date of birth within a reasonable time after 1979 but in any event not later than five years after the coming into force of the amendment in 1979. This view would be in consonance with the intention of the rule making authority".

2. References are also frequently received in this Department recommending belated requests from Government servants for alteration in date of birth giving some justifications or other in support of the request. The observations made by the Supreme Court in the case cited in para 1 above on this point are reproduced below:

" Inordinate and unexplained delay or laches on the part of the respondent to seek the necessary correction would in any case have justified the refusal of relief to him. Even if the respondent had sought correction of the date of birth within five years after 1970, the earlier delay would not have non-suited him but he did not seek correction of the date of birth during the period of five years after the incorporation of note 5 to FR 56 in 1979 either. His inaction for all this period of about thirty five years from the date of joining service, therefore precludes him from showing that the entry of his date of birth in service record was not correct."

3. The Government policy regarding rejection of belated claim for alteration in date of birth is thus reinforced by the observations made by the Supreme Court in the judgement in Civil Appeal No. 502 of 1993 (Union of India Vs. Harnam Singh). The Ministry of Finance etc. is therefore requested to keep this position in view while considering any request from a Government Servant for alteration in his date of birth. In other words, it will not be appropriate to consider any request for alteration in date of birth if the conditions stipulated in note 6 below FR 56 are not strictly fulfilled.

4. It is requested that these instructions may also be duly brought to the notice of Attached Subordinate Offices under the Ministry of Finance etc. for information and compliance.

*V. Natarajan*  
( V. NATARAJAN )

DEPUTY SECRETARY TO THE GOVT. OF INDIA

To

All Ministries/ Departments of the Govt. of India .  
( as per standard circulations ).

All Sections/ Desks in the Ministry of Personnel, Public  
Grievances & Pensions .