

F.No.19017/1/2014-Estt (A-IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-110 001
Dated : 16th December, 2014

OFFICE MEMORANDUM

Subject : Alteration of date of birth of a Government Servant – reiteration of the instructions.

Rule 56 of Fundamental Rules states that except as otherwise provided in the rule, every Government servant will retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

Provided that a Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

2. As per Note 6 below the aforesaid Rule, the date of on which a Government servant attains the age of fifty-eight years or sixty years, as the case may be, shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the Appropriate Authority on production, as far as possible, of confirmatory documentary evidence such as High School or Higher Secondary or Secondary School Certificate or extracts from Birth Register. The date of birth so declared by the Government servant and accepted by the Appropriate Authority shall not be subject to any alteration except as specified in this note. An alteration of date of birth of a Government servant can be made, with the sanction of a Ministry or Department of the Central Government, or the Comptroller and Auditor-General in regard to persons serving in the Indian Audit and Accounts Department, or an Administrator of a Union Territory under which the Government servant is serving, if –

- (a) a request in this regard is made within five years of his entry into Government service;
- (b) it is clearly established that a genuine bona fide mistake has occurred; and
- (c) the date of birth so altered would not make him ineligible to appear in any School or University of Union Public Service Commission examination in which he had appeared, or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.

3. The Supreme Court of India in Civil Appeal No.502 of 1993 – Union of India Vs. Harnam Singh – Judgement dated 9th February, 1993 had observed that :

“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. 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”.

The observations of the Apex Court was also circulated to all Ministries and Departments of the Government of India vide OM No.19017/2/92-Estt.(A) dated 19-5-1993.

4. All the Ministries and Departments are requested to keep the above in view while processing cases of requests for changes of date of birth.

5. Hindi version follows.

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(B.Bandyopadhyay)

Under Secretary to the Government of India

Tel.23040341

To

All Ministries/ Departments of the Government of India.

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/ Rajya Sabha Secretariat.
8. All Officers and Sections in the Ministry of Personnel, Public Grievances & Pensions.
9. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
10. NIC, DoP&T with the request to upload this O.M. on Department's web site (OMs/Orders: Date of Birth).
11. Deputy Director (OL) with the request to make available Hindi Version of the OM.