

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

**O.A No. 190 OF 2013**

WEDNESDAY, THE 13TH DAY OF NOVEMBER, 2013/22ND KARTHIKA, 1935

CORAM:

**HON'BLE MR. JUSTICE SHRIKANT TRIPATHI, MEMBER (J)**  
**HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)**

**APPLICANT:-**

K.BALAKRISHNAN (EX NO.1296693 HAVILDAR OF INDIAN ARMY)  
AGED 64 YEARS, S/O LATE SHRI.KUNJU PILLAI,  
ONOMPALLI HOUSE, BHARANIKAVOO NORTH P.O,  
KAYAMKULAM, KERALA-690503.

BY ADV. SRI. JAGADEESH T.R.

***versus***

**RESPONDENTS:-**

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY,  
MINISTRY OF DEFENCE, SOUTH BLOCK,  
NEW DELHI – 110 011.
2. THE CHIEF OF THE ARMY STAFF,  
INTEGRATED HEADQUARTERS (ARMY),  
SOUTH BLOCK, NEW DELHI – 110 011.
3. OIC RECORDS, RECORD OFFICE,  
ARTILLERY RECORDS, NASIK CENTRE,  
PIN-908802 C/O 56 APO.
4. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS)  
OFFICE OF THE PCDA (p),  
DRAUPATI GARH, ALLAHABAD-211 014.

BY ADV.SRI.K.M.JAMALUDHEEN,SENIOR PANEL COUNSEL

**ORDER**

**SHRIKANT TRIPATHI, MEMBER(J):**

1. Heard Mr.T.R.Jagadeesh for the applicant and Mr.K.M.Jamaludheen for the respondents and perused the record.

2. The applicant K.Balakrishnan, Ex No.1296693 has filed the instant O.A for a direction to the respondents to correct the date of birth of his wife as 04-12-1956 in place of 14-12-1950 as recorded in the service record. The stand of the respondents as per letter dated 27<sup>th</sup> May, 2013 (Annexure-A7) is that the date of birth once published/declaration made could not be changed.

3. The aforesaid prayer seems to be innocuous. The main objection of the learned counsel for the respondents was that the applicant ought to have submitted the application for correction before District Sainik Board in accordance with para 368 of the Regulations for the Army. So the applicant was not justified in filing the instant O.A straightway in the Tribunal. The counsel for the respondents very frankly stated that if any representation, as per para 368 of the aforesaid regulation is filed, the same will be given due consideration by the respondents. The learned counsel for the applicant is agreeable to

submit a representation in the aforesaid manner.

4. In view of the aforesaid, the O.A is disposed of finally at the stage of admission with the direction to the respondents to give due consideration to the representation, if any, given by the applicant in the aforesaid manner. The applicant is granted one month's time to submit the representation. The mistake is not in any way material in view of the fact that the applicant's wife would be entitled to get family pension, even if the date of birth already recorded continues, therefore, the respondents are expected to give liberal approach to the request. The respondents are further expected to dispose of the representation expeditiously, if possible, within four months from the date of its receipt.

5 . There will be no order as to costs.

6. . Issue free copy of this order to both party

Sd/-  
LT. GEN. THOMAS MATHEW,  
MEMBER (A)

Sd/-  
JUSTICE SHRIKANT TRIPATHI,  
MEMBER (J)

(true copy)

pb