

GOVERNMENT OF TAMIL NADU

Letter Ms.No.154,

Personnel and Administrative
Reforms (S) Department,
Secretariat, Madras-600 009.
Dated 24.5.1995.

From

Thiru.M.B. Pranesh, I.A.S.,
Secretary to Government.

To

All Secretaries to Government, Departments of Secretariat, Madras-9.
All Departments of Secretariat, Madras-9.
All Heads of Departments including all District Collectors / District Judges.
The Secretary, Tamil Nadu Public Service Commission, Madras-2.
The Registrar, High Court, Madras-104.

Sir,

Sub : Public Services - Alteration of date of birth under proviso to Rule 49(c) of the General Rules for the Tamil Nadu State and Subordinate Services- Instructions - Issued.

Ref : (i) G.O.Ms.No.380, Personnel and Administrative Reforms (S) Department, dated 22.8.90.

G.O.Ms.No.395, Personnel and Administrative Reforms (S) Department, dated 15.12.92.

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According to Rule 49 of the General Rules for the Tamil Nadu State and Subordinate Services introduced in 1961, any application for alteration of date of birth received after 5 years, after entry into Government service shall be summarily rejected unless the applicant gives adequate explanation for making such belated application to the authority competent to deal with it. If the application is entertained, the authority concerned shall, after following the procedure as to enquiry, laid down in sub-rule (a) submit the case to the Government with its recommendation and the Government shall, after consulting the Tamil Nadu Public Service Commission pass orders thereon. Subsequently amendments were issued that any application received after 5 years after entry into Government service shall be summarily rejected. The stipulation that the application for alteration of date of birth should be submitted within 5 years from the date of one's entry into Government service came into effect from 24.1.61. Since it was considered that the above time-limit of 5 years would not effectively debar the Government servants who were recruited prior to 24.1.1961 for application for alteration of date of birth at any time before retirement, Government have issued orders introducing a proviso to Rule 49(c).

2. According to proviso to sub-rule (c) in rule 49 of the General Rules for Tamil Nadu State and Subordinate Services, the application for alteration of date of birth of a person who altered into service prior to the 24th January 1961 shall be submitted atleast one year before the date of his retirement reckoned with reference to the official records.

3. In a case relating to the claim for alteration of date of birth the Supreme Court of India in Civil Appeal No.5422 of 1994 observed that the Rule 49 is to be harmoniously interpreted. The application for correction of date of birth of an in-service employees should be made within five years from the date when the rules had come into force i.e., 1961. If no application is made, after the expiry of 5 years, the Government employee loses his right to make an application for correction of his date of birth. In view of the decision of the Supreme Court of India in O.A.No.6055/94 the Tamil Nadu Administrative Tribunal observed that the instructions of the Government permitting applications for correction of date of birth to be made one year in advance of the date of Superannuation, according to the recorded date would require review. The Rule 49 and 49A of the General Rules for the Tamil Nadu State and Subordinate Services will be applicable irrespective of the date of entry into Government service.

4. In view of the decision of the Supreme Court of India, it has been proposed to omit the proviso to sub-rule (c) in rule 49 of the General Rules for Tamil Nadu State and Subordinate Services retrospectively with effect from 3.8.1994, which is the date of the order of the Supreme Court. I am, therefore, directed that the following instructions are scrupulously followed and that the particulars called for therein are furnished early.

(i) Applications for alteration of date of birth should not be entertained under proviso to sub-rule (c) in rule 49 of General Rules for Tamil Nadu State and Subordinate Services.

(ii) Applications for alteration of date of birth now under process under the said proviso should be disposed of according to the observation of the Supreme Court of India.

(iii) The particulars of persons so far allowed alteration of date of birth on or after 3.8.94 should be sent to the Government immediately.

5. Receipt of the letter should be acknowledged.

Yours faithfully,

(Sd.)

for SECRETARY TO GOVERNMENT