

Closed. *ms*



Supd

Sept. 11-27-60,004-17-11-60

Edn. & P. # (194-9) Department.



Ms. SERIES.

G.O. NO. 2450, Edn.

Dated 30th July 1949.

WP 493/55

[Despatch Abstract.]

S. P. L. C. - Major K. C. Sukumaran of the
Madras Regimental Centre, Wellington -
Alteration of the date of birth in the
certificate - ordered.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Mb	3240	Hau	20-11-56				
11	2853	Home	6/11/57				

C. No. 1696 E2/49

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
Madras. dated 29--6--1949

From

The Director of Public Instruction,
M A D R A S.

To

The Secretary to Government,
Education and Public Health Department,
Fort. St. George Madras.

Sir,

Sub :- S.S.L.C. Sukumaran--Major K.C. Alteration of
date of birth.

49740

Major K. C. Sukumaran requests that the date of
birth as entered in his school record, may be corrected from 6--12-1903
to 3--12--1906 with reference to G. O. Ms. No. 878 Revenue Depart-
ment, dated 1--4--1949. A copy of his petition is enclosed. In this
connection I wish to invite the attention of Government to my letter
C. No. 2141 E2/48 dated 10--1--1949 wherein I raised certain issues
and on which Government passed orders in G. O. Ms. No. 983 Edn. dated
5--4--1949. I request you to let me know whether the correction of
the date of birth should be made as desired by the petitioner, in
view of the Government orders in G. O. Ms. No. 983 Edn. dated 5--4-49

Flag (D)

Flag (E)

Flag (E)

Yours faithfully

K. M. R.

for DIRECTOR OF PUBLIC INSTRUCTION.

K.M.R. 29--6--

28/6.

Copy of the letter No. Nil dated 24th June 1949 from Major K.C. Sukumaran, Madras Regimental Centre, P.O. Wellington (Barracks) The Nilgiris. to the Director of Public Instruction Madras Through the Commandant, Madras Regimental Centres.

(M)

Sir,

I have the honour to submit the following facts for kind and favourable consideration.

Due to some error that crept in at the time of my original admission into school, my date of Birth has been noted down in all my High School records as 6th December 1903. The correct date of birth is 3rd December 1906. This mistake was carried on into my Service Register when I joined Government Service. I did not take the matter up then, as it did not affect my official career in the Provincial Civil service. But now it is materially affecting my Army career. I therefore took the matter up with the Revenue Secretary to the Government of Madras, who has finally accepted my correct date of birth as 3rd December 1906. A copy G. O. Ms. No. 878 dated 1st April 1949 issued by the Revenue Department, is enclosed herewith, in substantiation of the above statement.

I now request the Director of Public Instruction also to be good enough to accept this corrected date of birth, and issue orders for making this correction in all my High School Records. I did my High School education in Malabar Mission High School, Tellicherry and the Government Brennen College High School, Tellicherry. The original G. O. that has been quoted above, will be produced whenever called for.

For which act of kindness I shall as in duty bound be ever thankful.

Recommended strongly for favour of expeditious action.

sd.....

Lt. Col.
Comd. The Madras Regtl. Centre.

GOVERNMENT OF MADRAS.

ABSTRACT.

Public Servants--Sukumaran Major K.C. Officiating Inspector of Excise on other duty in the Military --Alteration in the date of birth-Sanctioned.

REVENUE DEPARTMENT

G. O. Ms. No.878 dated the 1st April '49

READ THE FOLLOWING:-

From Major K.C. Sukumaran, application, dated 3--2--49
From the Board of Revenue Reference C.R.No. 3975 Abk/49-B2 dated 22--2--1949.
From Major K.C. Sukumaran, petition, dated 24--3--49.

O R D E R :

The Government accept the documentary evidence produced by Major K.C. Sukumaran, officiating Inspector of Excise, on other duty in the Madras Regimental Centre, Wellington, in regard to his date of birth and direct that the date of birth entered in his service register be altered from 6--12--1903 to 3--12--1906.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

M.V. Subramanian
SECRETARY TO GOVERNMENT.

Certified true copy of original.

LT- Col.
Comd. THE MADRAS REGT. CENTRE.

(True copy)

K. Subramanian

For Director of Public Instruction

6/2/49

(L) 2
D.O. Director of Public Instruction,
M a d r a s, 8th July 1949.

My dear Prabhu, -

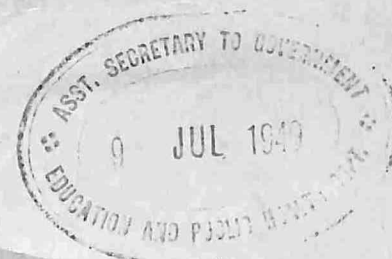
As I understand from Mr.T.M.S.Mani that the
reference regarding Major Sukumaran has not yet
reached you I am enclosing herewith a copy of the
letter. *prabhu*

Yours sincerely,

S. Mani

To

J.M.Lobo Prabhu, Esq., I.C.S.,
Secretary to Government,
Education & P.H.Department,
Fort St.George, M a d r a s.



PTO

8

--2--

[Same as p. 1 ante]

Copy of letter C.No.1696 E2/49 dated 29-6-49 from the Director of Public Instruction, Madras to the Secretary to Government, Education & P.H.Dept.

Sub: S.S.L.C. - Sukumaran - Major K.C.,
Alteration of date of birth.

Major K.C.Sukumaran requests that the date of birth as entered in his school records may be corrected from 6-12-1903 to 3-12-1906 with reference to G.O.Ms.No.878, Revenue Department dated 1-4-49. A copy of his petition is enclosed. In this connection I wish to invite the attention of Government to my letter C.No.2141 E2/48 dated 10-1-49 wherein I raised certain issues and on which Government passed orders in G.O.Ms.No.983, Edn., dated 5-4-49. I request you to let me know whether the correction of the date of birth should be made as desired by the petitioner, in view of the Government orders in G.O.Ms.No.983, Edn., dated 5-4-49.

(Same as p. 3 ante) 9

Copy of letter dated 24th June 1949 from Major K.C.Sukumaran, Madras Regimental Centre, P.O.Wellington (Barracks), The Nilgiris to the Director of Public Instruction, Madras through the Commandant, Madras Regimental Centre, P.O.Wellington.

I have the honour to submit the following facts for kind and favourable consideration.

Due to some error that crept in at the time of my original admission into school, my date of birth has been noted down in all my High School records as 6th December 1903. The correct date of birth is 3rd December 1906. This mistake was carried on into my Service Register when I joined Government Service. I did not take the matter up then, as it did not affect my official career in the Provincial civil service. But now it is materially affecting my Army career. I therefore took the matter up with the Revenue Secretary to the Government of Madras, who has finally accepted my correct date of birth as 3rd December 1906. A copy of G.O.MS.No.878 dated 1st April 1949 issued by the Revenue Department is enclosed herewith, in substantiation of the above statement.

I now request the Director of Public Instruction also to be good enough to accept this corrected date of birth and issue orders for making this correction in all my High School records. I did my High School education in the Malabar Mission High School, Telli-cherry and the Government Brennen College High School, Tellicherry. The original G.O. that has been quoted above will be produced whenever called for.

For which act of kindness I shall as in duty bound be ever thankful.

Recommended strongly for favour of expeditious action.

(Sd) x x
Lt.Col.,

Comd. The Madras Regtl. Centre.

pto

10 [Same as p. 5 ante]

Sub: Public Servants - Sukumaran, Major K.C., Officiating
Inspector of Excise, on other duty in the Military -
Alteration in the date of birth - Sanctioned.

Revenue Department.

G.O.Ms.No.878, dated the 1st April 1949.

Read the following:-

From Major K.C.Sukumaran, application, dated 3-2-49.
From the Board of Revenue Ref.C.R.No.3975 Abk/49-B2,
dated 22-2-49.
From Major K.C.Sukumaran, petition, dated 24-3-49.

ORDER:-

The Government accept the documentary evidence
produced by Major K.C.Sukumaran, officiating Inspector
of Excise, on other duty in the Madras Regimental Centre,
Wellington, in regard to his date of birth and direct
that the date of birth entered in his service register
be altered from 6-12-1903 to 3-12-1906.

(By Order of His Excellency the Governor).

M.V.Subramanian,
Secretary to Government.

(1)
S.P.L.C - Major K.C. Sukumaran of the Madras Regimental
Centre, Wellington - Alteration
of the date of birth in the
Certificate - ordered

Specch from the D.P.I, No C-1596-E₂
397. - 49 dated 29.6.1949.

Order 2450 on d/ 30.7.49.

Ms.

In the circumstances
stated by the Director in his
letter cited above, the Govt.
authorize him to correct the
date of birth as entered in
the S.P.L.C of Major K.C.
Sukumaran, as desired.

29.7.49.

29.7.49

29.7

To

The D.P.I.

S.C for S.7

Major K.C. Sukumaran - 3.12.03
 (Major K.C. Sukumaran of the Madras Army - 3.12.03)
 in the date of birth in the certificate - 6.12.1903

Major K.C. Sukumaran - 3.12.03
 3.12.03 - 3.12.03

Major K.C. Sukumaran - 3.12.03
 3.12.03

Major K.C. Sukumaran - 3.12.03
 3.12.03

Major K.C. Sukumaran - 3.12.03
 3.12.03

Major K.C. Sukumaran - 3.12.03
 3.12.03

Major K.C. Sukumaran - 3.12.03
 3.12.03

49 From the D.P.I. No. C-16
 - E-49 - dated 29.6.49

Subject: - S.S.L.C. - Major K.C. Sukumaran - alteration in the date of birth -

At the request of Major K.C. Sukumaran officiating as Deputy Excise Inspector on other duty in the Military, the D.P.I. has asked for the orders of Govt whether the date of birth of the former as entered in his S.S.L.C may be altered from 6.12.1903 to 3.12.1906, in view of the orders in G.O. No. 878 Rev. dated 1.4.1949, accepting the documentary evidence produced by him for his statement that his correct date of birth was 3.12.1906 -

D/S of

2. The rule governing the alteration in the date of birth in the S.S.L.C is that no application for such alteration is ordinarily to be entertained after a pupil has completed his S.S.L.C course, except in order to correct an obviously absurd entry or when a Civil Court directs correction in any individual case.

3. It is presumed that on the basis of the orders ~~given~~ issued in the go of Rev. the D.P.I. may be asked to carry out the correction in the S.S.L.C., as desired.

4. Rev. may see the case, before - Circulation -

8-7-49

As stated in para 2 overleaf, the entry in the S.S.L.C. has to be taken as prima facie correct. The Director has been empowered to order an alteration in the date of birth as recorded in the S.S.L.C., when an obviously absurd entry has to be set right and when a Civil Court directs correction in any individual case. The corrections have to be attested by an officer of the Education Department not lower in rank than a D.E.O. or an Inspectress of Schools. Where it is claimed after his school course was completed that the entry in the S.S.L.C. was wrong, it would not be expedient or proper for the D.P.I. or the Government to embark upon an investigation and order correction. It has been ruled that the onus should be on the party who claims ^{that} the entry in the Certificate was wrong to establish that it was wrong and to show what the correct entries should be. Such cases are decided by Civil Courts who issue a direction to the D.P.I.

2. A note to Rule 6 of the Subsidiary Rules under Rule 74 (a)(iv) of the Fundamental Rules runs as follows:-

"The date of birth entered in the service book can be altered, except in the case of a clerical error, only under the orders of the local Government. This power may be exercised in the case of non-gazetted Government servants by heads of Departments and also by all Collectors of districts, Superintending Engineers and District and Sessions Judges."

Vide pages 2 and 3 of 780 N^o 983 EA 5-4-49

1100 + Box 11 154

The alteration of date of birth approved in G.O.No. 878, Revenue, dated 1-4-49 is in pursuance of the provision contained in the Fundamental Rules. ^{extracted on p.2 ante} The age of the Officer is 44. The S.S.L.C. is given to every candidate after he completes his school final course. There seems to be no point in Major Sukumaran ^{now} asking the D.P.I. to alter the entry in his S.S.L.C. Certificate at this distance of time, as the Certificate may not be of any use to him. However, there may arise cases of this kind. Perhaps the D.P.I. may be asked to make necessary corrections in the Certificate ^{of a Govt. or local board servant} for alteration of date of birth ^{his date of birth is} if approved by ^a competent authority under the provisions contained in the Fundamental Rule extracted above. Public (Services) and Revenue ^{and LA} may see the case for remarks prior to circulation.

and if he applies for an alteration in the S.S.L.C. as in the present case.

In view of the certificate issued by the Revenue ^{Dept}, the changes now asked are consequent on Govt. to accept in one dept that the entries are incorrect, and to refuse to correct them in another dept, on the ground of distance of time, and the unavailability of original records.



E.H.W. 6.49740-92/49 dated 4-7-49

P. S. H. A. M. S. B. 11/7 R. W. L. A.

Public (Ser) Department

Please see the notes on pp. 1-3 ante. The views of the Secy., E.&P.H. may be agreed to in this department.

The file may be passed on to Rev.

15/7/49

16/7/49

T.O.H.

Rev. Dept.

Please see the notes from pp 1-3 above. This Dept. may also agree with the views expressed A on p 3 above. The file may be passed on to R.A.

19/7/49

20/7/49

20/7/49

S

19/7/49

LA

L.A. Dept.

The view of E.P.H. Secy on 'A' on p 3 ante may be accepted in this Dept. and the file returned to E.P.H.

E.P.H.

26/7/49

26/7/49

26/7/49

26/7/49

S. & P. H.

27/7/49

The draft order below authorizing the correction of the date of birth in the S.S.L.C. of Major Sukumaran is for approval.

29/7/49

Issued as G.O. No. 2450, Edn. dated 30-7-49

Pub (Ser. A) no. 20

2698/49.1
16/7/49

44096B

19/7/49

19/7



Rev. No. 44096 B/49-1
19/7/49

25/7



Education (F)

Extract from the Dev. File No. 27604 S/50-2 relating to the change of date of birth of Major K.C. Sukumaran Officiating Inspector of Excise - in service Register and S.S.L.C.

Education (F)

The summarising note of Rev. on pp 2-5 above may be perused. The alteration of date of birth of Major Sukumaran Inspector of Excise, on other duty in military, in his S.S.L.C. register was ordered in G.O. No. 2450 Edn. dated 30-7-1949 with reference to the orders issued by the Rev. Dept. in G.O. No. 878 Revenue dated 1-4-49. No special remarks seem called for in this Department.

The file may be returned to Rev. U.O.

The proceedings of the army authorities referred to in para 2 of the letter of the Ministry of Defence were not known to Education when the orders in G.O. No. 2450 Education dated 30-7-1949 were issued. Mr. Lobo Prabhu's note on page 3 nf. in that G.O. may be perused. In the circumstances reported it is for orders whether (J) may be cancelled the original entry restored.

N.V. S.
22-6-1950.

It is for the Revenue Department now to re-examine their orders dated 1-4-49 in the light of what is now stated by the Ministry of Defence. The correction of the entry in the S.S.L.C. is a minor and inconsequential matter. Whether or not the orders in (J) should be cancelled depends on the decision taken by Govt. in the Rev. Department.

R.D. Paul.
28.6.50.

To A.S.

Rev. Dept

The typed notes of this Department on pp 2-5 ante and the further notes of Pub (Milty) and Education Depts. on pp 5-6 ante may be read.

In the light of what is now stated by the Ministry of Defence, Govt. of India in their letter

in the Cf. it is for orders whether the orders in G.O. 878 not put up
Rev. dated 1-4-49 will be cancelled and the date of birth
of Sri K.C. Sukumaran restored as 6-12-1903.

"I am inclined to agree with the view of the Ministry
of Defence Govt. of India and cancel the correction of the
date of birth."

N.S.R. & H.M. (Prohibition)

Rev. Deptt.

"Put up proposals to frame charges against
this officer for trying to deceive the Govt."

P.S.K. 5/7/50.

To A.S.

H.C.M.

Rev. Deptt.

The file may now be circulated to H.M. (Proh.)

for perusal of the minutes of H.C.M. (Attention is also
invited in this connection to 'Z' on page 3 cf.)

Dev. Department.

To A.S.

Please see the minutes of H.C.M. at pp 7 ante.

2. A draft memo restoring the date of birth
in the service Register of Major K.C. Sukumaran as 6th Dec.
1903 and asking the Board to frame charges against him is
submitted for approval. After issue, the file may be sent
to Edn. deptt. with reference to 'Z' on page 6 ante.

Edn. (F) Deptt.

The summarising note from page 2 ante and
the subsequent notes may be perused.

Major Sukumaran's date of birth was ordered
to be altered in the S.S.L.C. in (J) in view of the Rev. Dept.
G.O. at (F) ordering an alteration of the entry in his
service Register. It is now seen from the letter of the
Ministry of Defence that the Major's conduct has not been
straight forward and that he has suppressed information
regarding the proceedings of the military authorities in
respect of his action in having given a wrong date of
birth in his application for Commission. The orders in
circulation on page 7 ante may be perused. In view of
these orders and of the action of Dev. in their memo on
pp 5-6 cf, action may be taken in this Deptt. to cancel
the Edn. G.O. at (J) and to ask the D.P.I. to restore the
original entry.

Extracts from this file may be taken and

and the matter dealt with in Education.

N.V.S.

7-8-50.

S.A. Iyengar.

7-8-50.

Edn. (F)

Please see With ref. to

orders at 'X' on p 2 ante the
draft memo below to the D.P.I. is
submitted for approval.

cl
6/8/50
20
16/8

18.8.50
S. Iyengar

Yes; and without
further ado.

S.A.I.

7-8-50.

Copy of Letter Ref.No.169/MS/D-9 dated the 25th April 1950 from the Ministry of Defence, New Delhi to the Secretary to the Government of Madras, Revenue Department, Madras.

Sub: Change of Date of Birth of Major K.C.Sukumaran-
Officiating Inspector of Excise.

I am directed to refer to the correspondence resting with your letter No.57756-B/49-1, dated the 6th October, 1949, and to say that it appears that the Madras Government were unaware of the following material circumstances when they agreed to a change in the date of birth of Major Sukumaran:-

(1) This officer gave his date of birth as the 6th December 1903 in his application for an Emergency Commission, dated the 13th September, 1941, adding in his own hand-writing that documentary evidence, regarding the correctness of this date had been furnished by him to the 12th Malabar Battalion Office, when first applying for a commission.

(2) In the certificate furnished by him from the St.Michael's European and Anglo-Indian High School, his date of birth is also shown as the 6th December, 1903, and not the 3rd December 1906, now asserted by Major Sukumaran.

(3) According to his own statement in his application of the 3rd February, 1949, the error in date of birth was noticed in 1924, "but, since it did not seem to affect" his "Career", he took no steps to rectify the mistake. In other words, as long as it did not materially affect his prospects, this officer was content to allow a known mistake to continue. When, however, his career was being affected in-as-much as he was not likely to obtain a permanent commission, being over-age, he decided to get the alleged wrong righted.

2. The following other circumstances of this case are also relevant:-

(1) About April 1948, Major Sukumaran applied for a permanent regular commission, specifying the 3rd December, 1906, as his date of birth. This date, being at variance with the date of birth in the official records, an inquiry was held by the Southern Command, who found the officer's explanation, for giving a different date in his application, not satisfactory and ordered that the "Severe Displeasure" of the GOC-in-C be conveyed to him. His application for a permanent commission was rejected, and it was decided that the date of birth could not be altered.

(2) Without disclosing the above facts, Major Sukumaran applied to the Madras Government in February 1949, through the Excise Commission, Madras, while serving in the military, for a change in the date of his birth. This indicates a deliberate effort to keep the Madras Government in ignorance of the decision given by the Army. In this application no mention whatever was made that previous application containing a similar request had been rejected by the Army authorities.

<----- (3) *

(3) In re-examining the case on merits, it is requested that the Madras Government may be good enough to take note of the following important considerations:-

(1) Requests for a change in the date of birth by military officers are governed by General HQ memorandum No.B/60472/A.G.9, dated the 13th March, 1942, which lays down certain criteria for the consideration of such applications. It is ruled therein that "a horoscope or affidavit will not ordinarily be accepted as evidence; the former can be easily faked and it is difficult to tell whether a horoscope is genuine or not". The

(3) On the above facts coming to the notice of the Army authorities, they have directed that disciplinary action be taken against the officer for displaying what amounts to a lack of moral integrity unbecoming an officer.

23157

-2-

The Government of India have generally refused in the past to accept requests for changes in recorded dates of birth on the basis of affidavits and horoscopes.

(2) If the evidence furnished by a palm-leaf horoscope were taken into consideration in this case, there is not the least doubt that numerous similar requests would be made by other officers, and the Government of India would find themselves in a very embarrassing position in dealing with them.

4. From the circumstances outlined above, it would be apparent that, not only has Major Sukumaran not produced any strong, reliable or irrefutable evidence to controvert his own former statements, and the School Certificate in respect of his date of birth, but that his conduct has not been entirely straight forward. The Government of India would, therefore, earnestly request the Government of Madras to reconsider its decision in the light of the facts stated above, as obviously, it would be highly embarrassing to recognise two dates of birth in respect of this officer, one by the Madras Government and the other by the Government of India, while the officer is serving in the army.

(True copy)

23157/F/50

27 Edu (F)

S.S.L.C. - Change of date of birth of
Major K.E. Sukumaran, Officiating Inspector
of Excise - ~~request~~ Cancellation of
previous orders.

for
11/10/50
12/10/50
13/10/50

Read again Ego 2450 Edu d 20.7.49
From the Govt of India, Ministry of Defence
Letter Ref. No. 169 (Ms) D-9 dated 25.4.50

Memo. No. 23157/F/50-1 Edu. d. 18/8/50.

for act

for
11/10/50
12/10/50
13/10/50

In the circumstances stated by the
Govt. of India in their letter cited above,
the Govt. direct that the orders issued in
the Ego. cited above, altering the date
of birth as 3.12.1906 in the S.S.L.C. of

P.T.O.

28

Major H.C. Sukumaran, Officiating Inspector
of Excise on other duty in the Military Dept.,
be Cancelled and that ~~his~~ date of
birth should be restored as 6th Dec: 1903.

2. The D.P.I. is requested
to take necessary action in the matter.

cl
16.8.50.
22
16/8/50

18850

To.
The D.P.I. (with Copy
of G.O. of S. letter in the ch)
Copy to the Govt. of India
Mtg of Defence
N. Delhi
S/C(2)

After issue will be filed
with original G.O. at 30/7/50

cl
16/8/50.

11