

**BEFORE THE GOA HUMAN RIGHTS COMMISSION**  
**PANAJI – GOA**

**Proceeding No. 42/2021**

Shri Durgakumar S. Navti,  
Shrikrishna Smruti,  
Manaswada, Kundaim-Goa. ... Complainant

V/s

The Superintendent of Police(HQ),  
Police Headquarters,  
Panaji-Goa. ... Respondent

**INQUIRY REPORT/ORDER**

(5<sup>th</sup> August, 2021)

The Complaint dated 15/02/2021 was received in this Commission from the Complainant in respect of the wrong recording of his date of birth in the service records.

2. The Complainant is a Constable in the Police Department where he had joined on 14/07/1981. He stated that he has submitted all the documents required and he had signed the attestation form at the time of entry in the service and records were based on the SSC Certificate submitted by the Applicant showing his date of birth as 03/06/1961.

3. The Complainant has stated that he came to know about the error in June 2001 and enclosed the original copy of birth certificate on 07/06/2001, showing the date of birth as 03/06/1962.

4. As per the complaint, his application was rejected by the Office of the Respondent by quoting the provisions of Note

...2/-

6 below FR 56 that the change of date of birth in the service book has to be effected within a period of 5 years.

5. The Complainant has stated that he submitted his representation dated 04/05/2004 to the Ombudsman, who recommended to the Respondent to effect necessary changes in the service record.

6. He prayed before this Commission for directions to the respondent to implement the recommendation of the Ombudsman.

7. On perusing the complaint, the Commission called for report from the Respondent, as per the Order dated 24/02/2021.

8. The Respondent filed their reply dated 23/03/2021, stating that the personal records of the Complainant were prepared based on the documents submitted by him. The date of birth on the school passing certificate was 03/06/1991 which was submitted by the Complainant.

9. In respect of the non implementation of the report of the Ombudsman dated 08/06/2005, it is stated that their decision not to accept the recommendations of the Ombudsman was placed before the Cabinet in the meeting held on 13/12/2005 and the Government rejected the recommendation of the Ombudsman.

10. Thereupon the Complainant filed his Rejoinder on 06/06/2021 reiterating his case.

11. The Commission heard the Complainant and also heard Shri Vassudev Garudi, Office Superintendent of the Respondent.

12. The Commission finds that the report of the Ombudsman was dated 08/06/2005, where the Respondent had been directed to effect necessary changes in the service records to indicate "03/06/1962", as the date of birth of the present Complainant.

13. From the replies of the Respondent, it is seen that the Respondent had not accepted the recommendation and this was approved by the cabinet on 13/12/2005.

14. Section 36(2) of "The Protection of Human Rights Act, 1993" reads as under :

*"The Commission or **the State Commission shall not inquire into any matter after the expiry of one year from the date** on which the act constituting violation of human rights is alleged to have been committed".*

15. The Commission finds that, in respect of the rejection of the recommendation of Ombudsman by the Government on 13/12/2005, the Complainant has approached this Commission only in 2021, almost after 16 years. The Complainant filed this complaint dated 15/02/2021, just around 4 months before the date on which he was to retire. He has now retired on 30/06/2021.

16. The Commission holds that the complaint is barred by limitation under Section 36(2) of the Protection of Human Rights Act, 1993.

Accordingly, the Proceedings stand disposed of.

Date : 05/08/2021

Place : Panaji-Goa

Sd/- (Justice U.V. Bakre) Chairperson Goa Human Rights Commission	Sd/- (Desmond D'Costa) Member Goa Human Rights Commission	Sd/- (Pramod V. Kamat) Member Goa Human Rights Commission
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