

A.P. Public Employment (Recording & Alteration of Date of Birth) Rules, 1984.

ANDHRA PRADESH

India

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Rule

A-P-PUBLIC-EMPLOYMENT-RECORDING-ALTERATION-OF-DATE-OF- of 1984

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A.P. Public Employment (Recording & Alteration of Date of Birth) Rules, 1984. Published vide Notification G.O.Ms.No. 165. Fin & Plg. Department , dated 21-4-1984) Read the following:-

- 1. G.O.Ms.No. 50, Fin. & Plg. (Fin. Wing - FR-1) Department , dated 10-2-1970.**
- 2. G.O.Ms.No. 18, Fin. & Plg. (Fin.Wing - FR-1) Department , dated 9-1-1978.**
- 3. G.O.Ms.No. 59, Fin. & Plg. (Fin.Wing - FR-1) Department , dated 23-2-1979.**
- 4. G.O.Ms.No. 163, Fin. & Plg. (Fin.Wing - FR-1) Department , dated 21-5-1980.**
- 5. G.O.Ms.No. 344, Fin. & Plg. (Fin.Wing - FR-1) Department , dated 3-12-1980.**

Orders: In the orders first and third to fifth read above, amendments to Rule 6 of the Subsidiary rules made under Rule 74(a)(iv) of the Fundamental Rules as well as Rule 56(a) and the provision in Hyderabad Civil Services were amended laying down the procedures in regard to alteration of date of birth once recorded in the Service Registers or Service Records of Government.(2)In the order 2nd read above, a procedure for recording of date of birth of the fresh entrants to Government service was laid down by way of insertion of Note 5 under Rule 6 of subsidiary rules under Rule 74(a)(iv) of Fundamental Rules.(3)Through clauses (ii) and (iii) of Section 18 of the Andhra Pradesh Public Employment (Regulation of Conditions of Service) Ordinance, 1983, (Ordinance No. 5 of 1983), dated 10-4-1983, Rule 56 and Notes (3) and (5) of Part III of Annexure II of the Fundamental

Rules and through Section 19 of the said Ordinance, Rule 231 of the Hyderabad Civil Service Rules were omitted. It has, therefore, become necessary to make rules, laying down the procedure for recording the date of birth in the Service Registers or Service Records, in respect of fresh entrants to Government Service, as well as alteration of the date of birth already entered in the Service Records.(4)After careful consideration, Government have decided to issue comprehensive rules in this regard. The following notification will be published in the Andhra Pradesh Gazette.Rules

1. Short title, application and commencement :

(1)These Rules may be called the Andhra Pradesh Public Employment (Recording and Alteration of Date of Birth) Rules, 1984.(2)They shall apply to all persons appointed to Public Services and posts in connection with the affairs of the State of Andhra Pradesh.(3)They shall come into force with immediate effect.

2. Recording of date of birth :

(1)Every Government employee shall, within one month from the date on which he joins duty, make a declaration as to his date of birth.(2)On receipt of the declaration made under sub-rule (1), the Head of Office or any other officer who maintains the service record in respect of such Government employee shall, after making such enquiry as may be deemed fit, with regard to the declaration and after taking into consideration such evidence, if any, as may be adduced in respect of the said declaration, make an order within four months from the date on which the Government employee joins service determining the date of birth:Provided that in cases where the date of birth as determined under this sub-rule is different from the one declared by the Government employee concerned under sub-rule (1), he shall be given an opportunity of making a representation, before a final order is made.(3)Where a Government employee fails to make a declaration within the time specified in sub-rule (1), the Head of Office or the officer who maintains the service records shall, after taking into consideration such evidence as may be available and after giving an opportunity of making a representation to the Government employee concerned, determine the date of birth of the employee within six months from the date on which the Government employee joins service.(4)The date of birth determined under this rule shall be entered in the service records of the employee concerned duly attested by the Head of the Office or the officer who maintains the service records and the date of birth so entered, shall be final and binding and the Government employees shall be stopped from disputing the correctness of such date of birth.(5)[The date of birth as determined on the basis of the school records or any proof produced at the time of entering into service and entered in the service record shall be final and no subsequent variation of date of birth in the school records for any reason, shall be relevant for the purpose of service and on that basis the date of birth entered in the service records shall not be altered except in the case of bonafide clerical error, under the orders of the Government.] [Substituted by G.O.Ms. No. 94, Fin. & Plg., dated 15-3-1994.]

2A. ["Civil Courts" Decree not to be taken into consideration:- In any proceedings before the Government or any Court, Tribunal or other authority for the alteration of date of birth in the service records, the decree of a Civil

Court in regard to alteration of the date of birth in the School or the University records or the contents in the Judgment leading to such decree, or the effect of its implementation shall not be taken into consideration in derogation to these rules and it is hereby declared that these rules shall have effect notwithstanding anything contained in any Judgment decree or order of a Civil Court in regard to the alteration of date of birth in the School or the University records whether or not the Government is a party - to such proceedings.] [Added by G.O.Ms. No. 383, Fin & Plg., dated 16-11-1993, w.r.e.f. 21-4-1984.]

3. Procedure in recording date of birth of employees appointed before the commencement of these rules:

- The date of birth of a Government employee who has been appointed before the commencement of these rules and whose service register has not been opened, shall be recorded in the manner laid down in Rule 2.

4. Alteration of date of birth in past cases:

- Rule 4 re-numbered as sub-rule [(1)] [Added by G.O.Ms. No. 94, Fin. & Plg., dated 15-3-1994.] No Government employee in service, before the commencement of these rules; (a) Whose date of birth has been recorded in the Service Register in accordance with the rules applicable to him; or (b) Whose entry relating to date of birth became final and binding under the rules in force prior to the commencement of these rules, shall be entitled to claim alteration of his date of birth. (2) [No subsequent variation of the date of birth in the school records shall be relevant for the purpose of service nor shall such variation be a valid ground for ordering an alteration of the date of birth by any Court, Tribunal or other authority.] [Added by G.O.Ms. No. 383, Fin & Plg., dated 16-11-1993, w.r.e.f. 21-4-1984.]

5. Cases pending on the date of commencement of these rules:

- The cases in which the Government employees have already applied for alteration of their date of birth and which are pending on the date of commencement of these rules, shall be dealt with on the basis of recorded age in School and College records at the time of entry into service.

6. Effect of the Rules:

- No rule made or deemed to have been made under the proviso to Article 309 of the Constitution of India shall, in so far as it is inconsistent with any of the provisions of these rules, shall have any effect. Government Orders Alteration of Date of Birth in School Leaving Certificates and other School records - Delegation of powers to Director of School Education and District Educational

Officers(G.O.Ms.No. 77, Education (EE), dated 23-2-1988)Ref:- 1. G.O.Ms.No. 1263, Education dated 6-5-1961.

2. Government Memo. No. 4606/E1/61-2, Education, dated 28-11-1961.

3. G.O.Ms.No. 242, Education , dated 19-5-1983.

Order: - As per orders issued in the references first to third read above, the Director of School Education is empowered to make corrections of all clerical mistakes including date of birth in all school records as well in a completed School Leaving Certificate and the Government has reserved the right to issue orders for making alterations other than clerical mistakes in respect of date of birth in completed School Leaving Certificate. In the references fourth to sixth read above the Director of School Education has requested the Government for delegation of powers to District Educational Officers, either to vest in her, to effect corrections in respect of all clerical mistakes in all School Records and in a completed School Leaving Certificate and also these powers vested with the Government to her (Director of School Education) to make corrections in respect of date of birth in a completed School Leaving Certificate, where Courts of Law are involved and where the Collectors sent their reports basing on the un-impeachable evidence and also in respect of change of "Surname" in a completed S.S.C. where appointments on Compassionate or Medical Grounds are involved. Government after careful consideration and with a view to delegate, greater powers to Director of School Education/District Educational Officers for speedy finalisation of the cases and to avoid un-necessary hardship to the applicants in getting the changes effected early, have decided to delegate certain powers either to vested with the Government and the Director of School Education, to the Director of School Education and the District Educational Officers respectively. Accordingly, the Director of School Education is empowered to effect corrections in respect of Date of Birth in a completed School Leaving Certificate, wherever Court Judgment/Decree is involved and also the Collector's report wherein recommendations were made basing on the unimpeachable evidence. The Director of School Education is also empowered to effect changes relating to "Surname" where appointments on Compassionate or Medical Grounds are involved. The District Educational Officers are empowered to effect corrections in respect of all clerical mistakes in all school records and as well in a completed School Leaving Certificate. The powers delegated to Director of School Education and District Educational Officers are subject to following the procedure prescribed in the G.O. first read above and further instructions issued in the matter from time to time. Change of name by citizen of India, residing in the Andhra Pradesh State - procedure to be followed after lifting up the emergency[G.O. (P) No. 819, General Administration (General - C) Department, dated 8-12-1977]Read the following:-G.O.(P) No. 483, General Administration (General-C) Department, dated 13-4-1972. Order:- In the G.O. read above procedure was laid down for change of name by the Citizens of India residing in the Andhra Pradesh State. Consequent on the revocation of the proclamation of emergencies and the censor of Rules made under the Defence and Internal Security of India Act, it has become necessary to review the procedure that had been in vogue in regard to the change of name. The Government after careful examination, hereby lay down the following revised procedure in supersession of the procedure prescribed in the Government Order read above.

2.

(1) Any person residing in the State of Andhra Pradesh, who intends to change his name, shall apply, in the first instance, in the form in Annexure-I to this Order, to the District Magistrate, the Additional District Magistrate or an Executive Magistrate having jurisdiction, for issue of an official communication in the form of a letter or memorandum to the effect that he is a Citizen of India. (2) The District Magistrate, the Additional District Magistrate or the Executive Magistrate having jurisdiction, may on the basis of information furnished by the applicant and after such inquiry as he thinks fit, issue a letter or memorandum in the form in Annexure-II to this Order, to the effect that on the basis of the information available, he is qualified for recognition as a Citizen of India. The Magistrate concerned shall exercise due caution and satisfy himself about the applicant's claims to Indian Citizenship before issuing the letter or memorandum. (3) The applicant shall, therefore send another application to the Director of Government Printing and Stationery (Printing Wing), along with the letter or memorandum issued by the Magistrate concerned for publication of a private advertisement in the Andhra Pradesh Gazette, on payment of the publication charges. (By Order and in the name of the Governor of Andhra Pradesh) A. Krishnaswamy, Chief Secretary to Government. Annexure - I To The District Magistrate/Additional District Magistrate/Executive Magistrate. Sir,

1. A.B. (existing full name of the person concerned in block letters) of (here insert his full present address showing Door No., locality, village or town or city, Police Station, Taluk and District) was born at and am a Citizen of India.

2. My age on the date of application is

(Date of birth in the Christian era and age)

3. My father's full name is/was: (In block letters)

4. My mother's full name is/was: (In block letters)

5. I am single/married/a widower/a divorcee:

6. My wife's/husband's full name is/was:

7. Marks of identification

(1)(2)

8. Occupation:

9. I am in the service of the State Government or the Government of India (State the name of the Government, designation and date of his appointment):

10. Profession or occupation other than Government service (here state details regarding designation, name and address of employer, station of posting etc.);

11. I intend to change my existing name as:

(full name in block letters)

12. A.B. do solemnly and sincerely declare that the foregoing particulars stated in this application are true and make this solemn declaration conscientiously believing the same to be true.

Signature of the Applicant. Annexure - II Office of the District/Additional District/Executive Magistrate With reference to the application of Sri/Smt./Kum he/ she is informed that on the basis of information available he/she son/daughter/wife of native of village/taluk/ district qualifies for recognition as a Citizen of India. This communication has been issued to him/her so as to enable him/her to change his/her name, and therefore if has no legal validity whatsoever. Place: Date: District/Additional District/Executive Magistrate. Change of name - Change of name by Government servants in the Andhra Pradesh State - Procedure to be followed. [G.O.(P) No. 182, General Administration (Genl.C) Department, dated 24-4-1985]. Read the following:-

1. G.O.(P) No. 819, G.A. (Genl. C), dated 5-12-1977.

2. From the Government of India, M (M.A.), New Delhi, Letter No. 23012/10/84, dated 18-5-1983.

Order:- According to the orders issued in G.O. read above, if a citizen of India residing in the Andhra Pradesh State, intends to change his name, he shall secure a certificate from the District Magistrate or Additional District Magistrate or Executive Magistrate to the effect that he is a Citizen of India and with the certificate so secured shall apply to the Director of Printing or publication of his changed name as a private advertisement in the Andhra Pradesh Gazette. The above procedure is being followed in respect of all persons including Government employees residing in Andhra Pradesh State.

2. The Government of India in the letter read above have prescribed a revised procedure for change of name by Government employee according to which the individual need not obtain a certificate from the District Magistrate but should execute a deed. The Government after careful examination prescribe the following procedure for change of name by a Government employee.

3. A Government employee of Andhra Pradesh State wishing to adopt a new name or to effect any modification in his existing name should be asked to adopt the change formally by a deed changing his name. In order that execution of the document may not be in doubt, it is desirable that it should be attested by two witnesses preferably those known to the Head of the office in which the Government employee is serving. A sample deed form for change of name is enclosed for reference. The execution of the said deed should be followed by publication of the change in a prominent local newspaper as well as in Andhra Pradesh Gazette. The Publication should be undertaken by the Government employee at his own expense in both cases. The said deed form should be on the stamp paper (non-judicial) of value of Rs.5/- (Rupees five only) and the same need not be registered.

4. After the aforesaid formalities are complied with, and satisfactory evidence of identity and execution of the deed is adduced by the Government employee, the education of the new name on change in the existing name would be recognised officially and then the entries in Government records may be made accordingly. True copies of the relevant documents should be retained by the concerned head of the office.

Annexure Form of the deed for change of name By this deed:- I the undersigned A.B.C. (new name) of etc., now lately called A.C. (old name) employed as (Designation of the post held at the time by the Government Servant concerned) at(place where employed in the Department.)

1. For and on behalf of myself and my wife and children and remoter issue wholly renounce, relinquish and abandon the use of my former surname of C (only) and in place thereof do assume from the date hereof the surname of B.C. and so that I and my wife and children and remoter issue may hereafter be called known and distinguished not by my former surname of C (only) but by my assumed surname of B.C.

2. For the purpose of evidence such my determination declare that shall at all times hereafter in all records deeds and writings and in all proceedings, dealings and transactions we well as private publish and upon all occasions whatsoever use and sign by name of B.C. as my surname in place of and in substitution for my former surname of C (only).

3. Expressly authorise and request all persons at all times hereafter to designate and address me and my wife and children and remoter issue by such assumed surname of B.C. accordingly.

4. I hereby acknowledge and indemnify all acts, deeds and liabilities by me as (old name) and known to all men. I declare that change of name is not to cause any prejudice and not with any fraudulent intention.

5. In Witness Where of, I have hereunto subscribed my former and adopted names of A.C. and A.B.C. and affixed my seal this day of

Signed sealed and delivered by the above name A.B.C. formerly A.C. in the presence of (b)A.C. signature with originalsurnameA.B.C. signature with assumedsurnameWitnesses:

1.

2.

"Attested"(Head of Office)NotificationIn exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling and in supersession of all rules to recording, relating and alteration of date of birth of Government employees, the Governor of Andhra Pradesh hereby makes the following rules.