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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.NO. 479 OF 1999
Cuttack, this the 17th day of January, 2003

Kantari Dei Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *MB*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

lnhs *75*
(B N SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.NO. 479 OF 1999

Cuttack, this the 17th day of January, 2003

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

Kantari Dei, 57 years, w/o Sri Janar Pradhan, presently working as Worker in Central Rice Research Institute, Bidyadarpur, Cuttack 6

..... Applicant

Vrs.

1. Union of India, represented through Secretary, Department of Agricultural Research and Education and D.D., Indian Council of Agricultural Research and Education and D.D., Indian Council of Agricultural Research, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110 001.
2. Secretary, Indian Council of Agricultural Research, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110 001.
3. Director, Central Rice Research Institute, Bidyadarpur, Cuttack-6

..... Respondents

Advocate for the Applicant (s) M/s P.K. Bhuyan
P.K. Samal.

Advocate for the Respondents M/s Ashok Mishra,
& S.C.RATH

ORDER

SHRI B.N. SOM, VICE-CHAIRMAN:

This application has been filed by Smt. Kantari Dei, assailing the notice dated 12.8.1999 (Annexure 3) issued by Farm Superintendent, Central Rice Research Institute(hereinafter called "CRRI"), Cuttack, notifying her retirement from casual engagement (temporary status holder casual labourer of that institute) w.e.f. 22.9.1999 on attaining the age of 60 years.

2. The applicant had disputed the recording of her date of birth as 23.9.1939 by the Respondent Institute and produced an affidavit sworn by her before the Notary Public, Cuttack, on 1.6.1999. In this affidavit, the applicant declared her date of birth as 12.10.1942 on the basis of her horoscope. The applicant stated that she had submitted the said affidavit to the Institute to correct her date of birth in her Service Book but without taking action on this affidavit, the Respondent Institute notified her retirement w.e.f. 22.9.1999. Being aggrieved, she has approached the Tribunal to issue direction to Respondent No.3 to correct her date of birth as 12.10.1942 and to allow her to continue in service till 12.10.2002.

3. The Respondents have stoutly denied the allegations. In the counter they have stated that the applicant was engaged as casual labourer in 1976. At that time, no record was being maintained regarding date of birth of casual labourers like her. It was only in October, 1991 that the Respondent Institute decided to collect documentary proof about date of birth of each

of the casual labourers for the purpose of their regularization and all controlling officers were asked to do the needful in the matter. Subsequently, a Committee of Officers under the chairmanship of the Senior Medical Officer of the Respondent Institute was set up to carry out the job. Out of 194 casual labourers, 192 appeared before this Committee which determined the age of these workers based on their physical appearance, family history, and in respect of female workers, on the basis of menopausal age and other family history. They have averred in the counter that not only the applicant was working as casual labourer in the CRRI, but her husband was also engaged in 1975 and her eldest daughter was engaged in 1977 and she was working from 1976. The age of each of the casual labourers as determined by the Committee was notified in November, 1995 on the basis of the evidence submitted by those casual labourers and also the parameters determined by the Committee. They have further averred that the Respondents had included a Senior Medical Officer as the Chairman of the Committee for determination of the age of a person. They have further averred that the option was available for the casual laborers to get their age determined by State Medical Board in case they were not willing to face the Committee constituted by the Institute. The applicant had not exercised this option. The applicant chose to appear before the Departmental Committee during 21-23 Sept, 1995 and accepted its recommendation without any objection.

4. None was present on behalf of the applicant, nor was she present in person during the hearing of the case. There was also no prayer seeking adjournment. However, the learned counsel for the Respondents was present. I have heard Mr. Ashok Mishra, Ld. Special Counsel for the respondents

and perused the records. The moot question in this case is whether the determination of age of the casual workers by the Institute based on the recommendation of a Committee set up by the Respondents for determination of age of the casual laborers who could not produce any authentic document indicating date of birth could be upheld by this Tribunal.

5. This matter was agitated before this Tribunal earlier also in O.A.No. 198 of 1996 by a group of 27 casual labourers of the CRRI. The Tribunal disposed of that O.A. on 21.1.1997 directing the Director, CRRI, Cuttack, to make a reference about the date of birth of the applicants to the State Medical Board and convey to the applicant the date and place where they have to meet the said Medical Board. It has been averred by the Respondents in their counter that none of the 27 applicants of O.A.No.198 of 1996 had reported before the State Medical Board even though they were duly referred by the Respondents to the Chief District Medical Officer, Cuttack, on 20.2.1997. On the other hand, the Respondents have stated in their counter that 192 out of 194 casual labourers, including the applicants, had presented themselves before the Committee for determination of their age. In the face of these facts of the case, it appears that all the casual labourers have accepted the age as determined by the Committee of officers which was chaired by a Senior Medical Officer of the CRRI and nobody had appeared before the State Medical Board either on their own volition or when directed by the Respondents. It is clear that the applicant like others had accepted the date of birth as determined by the Committee of officers and notified by the Respondents in November 1995, vide Annexure R/3. After four years of receipt of the notice about her date of birth, she could not have come up in an affidavit for correcting her date of birth. It is also to be

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noted here that the affidavit is not a worthwhile document for altering date of birth. While disposing of this matter, I would also like to refer to the law laid down by the Apex Court that the request for altering date of birth at the fag-end of the career should not ordinarily be entertained on grounds of acquiescence, undue delay and laches. If the applicant wanted to protest against the recording of her date of birth in 1995, she could have moved the authorities well in time or could have approached this Tribunal for redressal of grievance. She has also not been able to put before me any credible document to consider her prayer.

6. In the circumstances, the O.A. fails and is rejected. No costs.


(B.N. SOM)
VICE-CHAIRMAN

CAT/CTC
January 17, 2003