

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 151 OF 2001
Cuttack, this the 7th day of August, 2002

Bilasha Bewa Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? NO

2. Whether it be circulated to all the Benches of
the Central Administrative Tribunal or not? NO

M.R. Mohanty
(M.R. MOHANTY) 07/08/2002
MEMBER (JUDL.)

S.K. Hajra
(S.K. HAJRA)
MEMBER (ADMN.)

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CORAM:

HON'BLE MR.S.K.HAJRA, MEMBER(ADMN.)
AND
HON'BLE MR.M.R.MOHANTY, MEMBER(JUDL.)

.....
Bilasha Bewa, aged about 47 years, w/o late Narasingha Naik of Parajapada, Ichhapur, P.S-Badamba, Dist.Cuttack at present Casual Labourer, Management Section, Central Rice Research Institute, Cuttack-6.....Applicant

Advocates for applicant - M/s A.C.Sarangi & K.Nanda

Vrs.

1. Union of India, represented through its Secretary, Department of Agriculture, ICAR, Government of India, New Delhi.
2. Director, Central Rice Research Institute, Cuttack-6.
3. Senior Administrative Officer, Central Rice Research Institute, Cuttack-6..... Respondents

Advocate for respondents - Mr.S.B.Jena,
ACGSC

O R D E R
MR.S.K.HAJRA, MEMBER(ADMN.)

The applicant filed this Original Application seeking the following reliefs:

- "i) To give direction to Respondent No.2 and 3 to confirm the applicant in the post of casual labourer.
- ii) to promote the applicant to the post of S.S.Grade-I (Safewala).
- iii) to correct the date of birth of the applicant as 27.1.53 in her service book.
- iv) to pass such other order in favour of the applicant to which she is found entitled in the facts and circumstances of the case."

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2. Mr.A.C.Sarangi, learned counsel for the applicant, during hearing, stated that he was not pressing for relief nos. (ii) and (iv) and that his main claim was for correction of date of birth of the applicant as on 27.1.1953. The arguments advanced by him are as follows. The applicant was appointed as Temporary Status Casual Labourer on 2.2.1981 in Central Rice Research Institute (CRRI). Her date of birth is 27.5.1953. She submitted an affidavit to the office of respondent no.2 to that effect. Instead of correcting her date of birth as on 27.5.1953, the CRRI formed a Committee in September 1995, which determined her date of birth as 23.9.1942 arbitrarily. The applicant was prepared to appear before the State Medical Board. However, she was denied this opportunity. As regards the second relief, the applicant is entitled to the post of SS Grade I (Safaiwala).

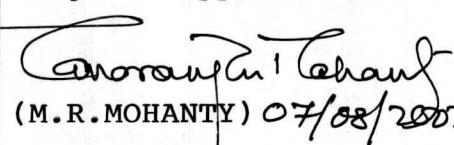
3. Mr.S.B.Jena, learned Additional Standing Counsel, appearing for the respondents, argued as follows. The Committee appointed by the CRRI correctly determined the applicant's date of birth as 23.9.1942. If the applicant's claim that her date of birth is 27.5.1953 is accepted, then the difference of age between her and her second son will be twelve years, which is most unlikely. The affidavit submitted by the applicant is suspect. The applicant is not entitled to be promoted to SS Grade I (Safaiwala).

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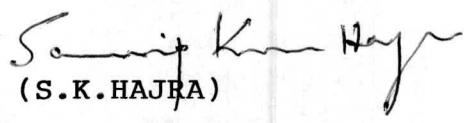
4. We heard both sides and perused the records. The applicant was aware that her date of birth was determined as 23.9.1942 as far back as in 1995 by the CRRI. The applicant filed this Original Application on 10.4.2001 belatedly. She will retire on 30.9.2002. The plea to change the date of birth, after inordinate and unexplained delay, makes it impermissible. That apart, the applicant has not adduced any evidence, except an affidavit, to support her contention on change of her date of birth. Therefore, the applicant's claim to change her date of birth before her retirement on 30.9.2002 is unsustainable.

5. As regards the relief for promotion to SS Grade I (Safaiwala), the applicant did not make any representation to the authority claiming her promotion. The applicant has not produced any material to sustain her claim to promotion. Therefore, we are inclined to conclude that the applicant has not a valid case for promotion. That being so, the reliefs sought by the applicant cannot be granted.

6. For the reasons given above, this Original Application is dismissed without any costs.


(M.R.MOHANTY) 07/08/2002

MEMBER (JUDL.)


(S.K.HAJRA)

MEMBER (ADMN.)

AN/PS