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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.761/91

DATE OF JUDGEMENT: 28<sup>th</sup> AUGUST, 1992

BETWEEN

Dr. D.D.Sarma .. Applicant

a n d

1. The Director,  
National Geophysical Research  
Institute, NGRI, Uppal Road,  
HYDERABAD 500 007
2. The Joint Secretary (Admn)  
Council of Scientific and Industrial  
Research, Anusandhan Bhavan,  
Rafi Marg, New Delhi
3. The Director General  
Council of Scientific &  
Industrial Research  
Anusandhan Bhavan, Rafi Marg  
NEW DELHI
4. Union of India rep by  
Hon'ble Minister for  
Human resources  
New Delhi

.. Respondents

Counsel for the Applicant :: Mr. V.Rama Rao

Counsel for the Respondents :: Mr.Channa Basappa Desai  
SC for CSIR

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. Chandrasekhara Reddy

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(61)

JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY  
HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, to correct the date of birth of the applicant from 8.9.40 to 23.9.41 and to pass such other orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are as follows:

1. The applicant joined the service as Junior Scientific Assistant in National Geophysical Research Institute (NGRI), Hyderabad on 24.9.66. He was promoted as Senior Scientific Assistant in 1968, as Scientist 'B' in 1973, as Scientist-C in 1978 and finally promoted as Scientist E1 in 1983. The correct date of birth of the applicant is 23.9.41. But the date of birth of the applicant was entered as 8.9.40 in the SSLC register. After knowing that the correct date of birth of the applicant is 23.9.41, the applicant made an application for correction of his date of birth, enclosing therewith a copy of the birth extract and certain other documents. The first respondent rejected the representation of the applicant on 22.8.78. The applicant again submitted a representation to the second respondent on 6.8.81. The first respondent informed the applicant on 13.11.81 that the representation of the applicant was considered but it could not be acceded to.
2. On 3.2.82, the applicant made another representation to <sup>the</sup> 1st respondent for correction of his date of birth. On 2.6.82, the applicant was informed by the 1st respondent, that his representation dated 3.2.82 was rejected by the second respondent. On 15.2.89, the

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applicant submitted another representation to the Chairman, NGRI, Hyderabad. On 21.7.89 the 1st respondent informed the 2nd respondent that the case of the applicant is recommended by the Grievance Committee to DGSIR. On 30-6-89, a copy of the Minutes of the Grievance Committee was served on the applicant. On 29.1.90, the second respondent informed the applicant that the practice in vogue <sup>did not</sup> permit the change of date of birth as requested by the applicant. On 3.5.90, the applicant submitted an appeal petition to the 3rd respondent. On 16.7.90 the 2nd respondent informed the applicant that his representation was not considered and the decision of the second respondent communicated vide his letter dated 29.1.90 stands reiterated. Hence, the present OA is filed for the reliefs as already indicated above.

Counter is filed by the respondents opposing this OA.

The main contention raised in this OA is that this Tribunal does not have any jurisdiction to entertain this OA as the grievance of the applicant relates to the date prior to 2.11.82. AS already pointed out while narrating the facts giving rise to this OA the applicant's representation for correction of his date of birth from 8.9.40 to 23.9.41 were rejected on 28.8.78, 13.11.81, 2.6.82, 7.2.90 and ~~finally~~ on 16.7.90. So, in view of the rejections of the said representations of the applicant prior to 2.11.82, there cannot be any doubt about the fact that this Tribunal, does not have any jurisdiction to entertain this OA. In this context, we may refer to ATR 1986

CAT 203 - VK Mehra Vs Secretary, Ministry of Information & Broad-casting <sup>which is the</sup> -/Judgement of the

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Division Bench CAT New Delhi wherein it is held as follows:

"The Act does not vest any power or authority in the Tribunal to take cognizance of a grievance arising out of an order made prior to 1.11.82. In such a case, there is no question of condoning the delay in filing the petition but it is a question of the Tribunal having jurisdiction to entertain a petition in respect of grievance arising prior to 1.11.82. The limited power that is vested to condone the delay in filing the application within the period prescribed is under Section 21 provided the grievance is in respect of an order made within 3 years of the Constitution of the Tribunal. The Tribunal has jurisdiction under Sub-section(2) of section 21 to entertain an application in respect of any order made between 1.11.82 and 1.11.85.

Where therefore, the application relates to a grievance arising out of an order dated 22.5.81 a date more than 3 years immediately preceding the constitution of the Tribunal, the Tribunal shall have no jurisdiction power or authority to entertain the same though it is filed within six months of its constitution as contemplated by sub-section(3) of Section 21 of the Act."

In view of the Division Bench Judgement of CAT New Delhi, we do not have the slightest doubt to come to the conclusion that this Tribunal does not have any jurisdiction to entertain this OA and hence, this OA is liable to be dismissed.

It is the contention of the learned counsel appearing for the applicant that no question of limitation is involved in this case as the applicant is in service and the non-alteration of date of birth of the applicant is continuing wrong. We are not in agreement with the contention of the learned counsel for the applicant, as the conduct of the respondents in rejecting the representations of the applicant who is in service for correction of his date of birth is a continuing wrong as to save the OA from the bar of limitation. As and when the representations of the applicant dated 9.8.78, 6.8.81 and 3.2.82 were rejected by the respondents, by not accepting the date of birth of the applicant as 23.9.41,

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the same should have resulted in an injury by giving rise to grievance to the applicant. So, the period of limitation has to be computed from the date when the grievance rose. So there cannot be any doubt about the fact that the grievance of the applicant ~~arose~~ rose on the said dates i.e. 28.8.78, 13.11.81 and 2.6.82 which are prior to 1.11.82. So, we see no substance in the contention of the learned counsel for applicant that the ~~rejection~~ <sup>rejection by the</sup> representations had not resulted any grievance to the applicant and that the applicant has got a right to get his date of birth corrected at any time he wants <sup>while in</sup> service irrespective of the ~~date~~ <sup>date</sup> of rejection of his representations. <sup>Notably</sup> It is contended by the learned counsel for the applicant that the final orders has been passed by the respondents only in 1991 and that the respondents have not taken the stand that this OA had become time barred on the point of limitation and that the question of limitation does not arise in this case. It is also the contention of the learned counsel appearing for the applicant that it is only the order of 1991 which is questioned in this OA and so, this Tribunal has got jurisdiction to entertain this OA. We are not dealing with the question of limitation. But, we are confronted in this OA with the question of jurisdiction of this Tribunal to entertain this OA. The Judgement of the Division Bench of CAT cited supra, very clearly says that this Tribunal does not have authority and jurisdiction to entertain <sup>any</sup> ~~this~~ OA if the grievance of the applicant is of the date prior to 1.11.82. As we have no jurisdiction to entertain this OA, we have also no jurisdiction to decide the question of limitation. To put it in other words, this is a case, where the Tribunal lacks inherent

Copy to:-

1. The Director, National Geophysical Research Institute, NGRI, Uppal Road, Hyderabad-007.
2. The Joint Secretary(Admn.), Council of Scientific and Industrial Research, Anusandhan Bhavan, Rafi Marg, New Delhi.
3. The Director General Council of Scientific & Industrial Research Anusandhan Bhavan, Rafi Marg, New Delhi.
4. Hon'ble Minister for Human resources, Union of India, New Delhi.
5. One copy to Sri. V.Rama Rao, advocate, 3-6-799, L.N. Apartments, Hymathnagar, 14th Street, Hyd-29.
6. One copy to Sri. C.B.Desai, SC for CSIR , CAT, Hyd.
7. One spare copy.

Rsm/-

*Handwritten:*  
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jurisdiction to entertain this OA. So, none of the contentions raised by the learned counsel for the applicant can be accepted.

The learned counsel for the applicant relied on the following decisions:

1990(1) SLR 646

1989(6) SLR 72

1988(6) SLR Page 467

1986(1) SLR 754

1991(1) ATR 518

AIR 1992 . . . 207

1987(1) SLR 410

1983(1) ALT P.86

AIR 1973 SC 2758

AIR 1971 SC 173

We have gone through the above cited decisions carefully but none of the decision cited above by the learned counsel appearing for the applicant are applicable to the facts of this case as the said decisions do not deal with the question of jurisdiction of this Tribunal. Hence, we see no merits in this OA and as already pointed out, this OA is liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

(T.CHANDRASEKHARA REDDY)  
Member(Judl.)

Dated: 28<sup>th</sup> August, 1992

mvl

Deputy Registrar (Judl.)

Con td:..7/-

6/10/92