

**Central Administrative Tribunal
Madras Bench**

OA/310/01170/2019

Dated the 27th day of September Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

K.Malliga,
W/o late P.Kannan,
No.1, Nallathur Salai,
Pandaravadaip,
Kurumbagaram,
Karaikal .. Applicant
By Advocate **M/s.M.Gnanasekar**

Vs.

1. Union of India, rep. by the
Secretary to Government,
Social Welfare,
Secretariat,
Puducherry.
2. The Director,
Department of Women & Child Development,
Saram, Puducherry.
3. The Managing Director,
Puducherry Corporation for the
Development of Women & Differently Able
Persons Limited,
Government of Puducherry Undertaking,
Natesan Nagar,
Puducherry 605 005.
4. The Project Executive Officer,
Department of Women & Child Welfare
Development,
Karaikal. .. Respondents

By Adovacte **Ms.S.Devie**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief:-

“To declare that the unauthorised correction made in the Service Register of the applicant mentioning the date of birth as 30.9.1959 instead of 25.12.1962 as illegal and consequently;

to direct the respondents to permit the applicant to continue in service till 31.12.2021 on the basis of the original date of birth i.e. 25.12.1961 recorded in the Service Register of the applicant

to pass such further orders as are necessary to meet the ends of justice and

Award costs and thus render justice.”

2. The applicant's case is that she was appointed as Anganwadi Helper on 07.1.1987 and she had provided her School Certificate for showing her Date of Birth as 25.12.1961. According to her, the said date is entered in the Service Register. Subsequently the applicant was brought to regular establishment on 01.5.2005 and now she is working as Women Development Multipurpose Helper. According to the applicant, one Victoria who was the President of the Angamwadi Staffs' Association has unauthorizdly changed the original Date of Birth from 25.12.1961 to 30.9.1959. Owing to this, the applicant is to retire from service on 30.9.2019 instead of 31.12.2021. When the applicant came to know about this in the year 2016, she had given a complaint to the Project Officer, ECDS, Karaikal on 16.4.2016 for taking necessary action. So, according to the applicant, the correction has to be done and

she should be permitted in continue in employment as per the original date of birth i.e. 25.12.1961. She had produced the copies of the Employment Card, School Certificate issued by the Head Mistress for her study upto 3rd Standard etc. in support of her case.

3. Notice was issued and the 3rd respondent, the Managing Director, Puducherry Corporation for the Development of Women & Differently Able Persons Limited and R3 appeared through learned counsel Mr.R.Syed Mustafa and he filed a reply questioning the maintainability of the OA before this Tribunal. According to the 3rd respondent, the “Puducherry Corporation for the Development of Women & Differently Able Persons Limited” is incorporated under the Companies Act, 2013 and it is one of the corporation functioning under the control of the Government of Puducherry and is getting Grant-in-Aid for implementing the schemes and are meeting the expenses of salary. So, according to him, the OA is not maintainable as it does not come under the purview of Section (2) and (3) of the AT Act, 1985. Learned counsel for the 3rd respondent had also invited our attention to WP 17722/2011 filed by one M.Vedavalli in a similar matter before the Hon'ble High Court of Madras. According to the counsel for the 3rd respondent, the said WP was dismissed stating as follows:-

“5. Though the petitioner claimed that even at the time of appointment, she had produced the birth certificate, this court is not inclined to accept the same. In the matter of ascertaining the age proof, the authorities had followed proper procedure. At the tail end of

her service, the petitioner cannot produce the certificate and seek for a direction to the respondents to accept the said certificate.”

It is submitted by the counsel for the 3rd respondent that the applicant in this case was at first temporarily engaged as Anganwadi Helper from 07.1.1987. Subsequently the Corporation has created post for the purpose of Women Development Multipurpose Helpers and offered appointment to about 241 Aganwadi Helpers including the applicant and they were directed to produce the documents relating to age etc. All the workers had no valid documents to produce showing their age. So, the 3rd respondent had constituted a Committee including Doctors to ascertain the age of the 241 workers and they were interviewed and the age was fixed on the basis of the recommendation of the Committee. The applicant very well knows this fact and 14 years have passed after the fixation of age by the Committee in the year 2005. So this OA cannot be entertained in that respect also.

4. Heard both sides and perused the records. On a perusal of the pleadings, we find that the applicant is working in Puducherry Corporation for the Development of Women & Differently Able Persons Limited which is a Government of Puducherry Undertaking and according to the respondents, it is incorporated under the Companies Act, 1956 and thereafter under the New Companies Act 2013. As per Section 14 of the AT Act -

“(a) recruitment, and matters concerning recruitment to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning -

(i) a member of any All India Service; or

(ii) a person [not being a member of an All India Service or a person referred to in Clause (c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [not being a member of an All India Service or a person referred to in Clause 9C0] appointed to any defence services or a post connected with defence;

.....

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or Corporation [or Societies] all the jurisdiction, powers and authority exercisable immediately before that date by all Courts [except the Supreme Court] in relation to -

.....”

Further the said Corporation R3 is not at all notified under the AT Act for having jurisdiction for this Tribunal. The applicant is in no way connected with any All India service or any civil service of the Union or the member of Civil post under the Union as said under Section 14 of the AT Act. So this Tribunal has no jurisdiction to entertain the matter. The applicant could have approached an appropriate forum in this respect. We find merit in the contention of the R3 that this OA is not maintainable under the AT Act. So, accordingly, we find that we are not having jurisdiction to consider the matter on merit and pass an order in this case.

5. Hence we hereby dismiss the OA for want of jurisdiction. No costs. However, the applicant is at liberty to approach the appropriate forum for her redressal.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

27.09.2019

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