

S/L 07
30.06.2026
Court No.04
B.K.N

**M.A.T. 1257 of 2021
With
CAN 2 of 2025**

**M/s Eastern Coalfield Limited
Vs.
Smt. Kajol Badyakar & Ors.**

Mr. B. Kumar

...for the Appellant.

*Mr. Debashis Das,
Mr. Bratin Suin*

...for the Applicant.

In Re: CAN 2 of 2025

1. Heard the learned advocate for the applicant.
2. The Hon'ble Division Bench disposed of the appeal directing for payment of benefit under the MMCC to the writ petitioner by assuming that she was aged about 58 years on the date of filing of the supplementary affidavit. The assumption is based on the petitioner's age claimed in the supplementary affidavit. This fact is not in dispute.
3. The learned advocate for the applicant, however, submits that after passing of the order by the Hon'ble Division Bench, he has obtained certain documents under RTI including the pre-employment medical examination form no. III submitted by the petitioner on 31.12.2013 wherein her age was assessed to be 42 to 47 years. It is the claim of the applicant that assessment was done by the authorities themselves and, therefore, the grant of benefit under MMCC be paid to her treating her as 42 years age on 31.12.2013. In support of

such submission he relies upon decision of a coordinate Bench in the case of ***M/s Eastern Coalfield Limited –Vs.- Smt. Purnima Singh & Ors.*** in ***M.A.T. 2151 of 2023***, copy of which is handed over to the Court.

4. The reliance placed on the decision is misplaced. Whereas in the case of ***Smt. Purnima Singh & Ors.*** (*supra*) there was an ossification test undertaken to ascertain the age, but in the present case the documents relied upon allegedly records age of the writ petitioner/applicant to be 42 to 47 years based on her appearance. Such vague assessment of the age being 42 to 47 years on the basis of appearance cannot be equated with ascertaining of age and assessment of the same based on an ossification test. The decision relied upon, therefore, is not applicable to the facts of the present case. In the present case there is no dispute that the petitioner's age has been assumed on the basis of her affidavit submitted in the supplementary affidavit submitted in the writ proceeding.
5. It is by now settled that a review/recall is limited to an issue of error of record, or if any vital material/evidence could not be produced despite due diligence; or for other sufficient reasons.
6. No such case is made out in the present case for review/recall of the judgment of the coordinate Bench dated 15.06.2023.
7. The application is dismissed.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)