

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI:

R.A.390/94 in

O.A.976/94

16

New Delhi, this the 30th November, 1994

Hon'ble Shri J.P. Sharma, Member(J)

Shri Jagpat Mishra,
s/o Shri Raghuraj Mishra,
aged about 55 years,
working as Scale Porter
(Under CTI) attached with
Magistrate Squad
Central Railway Station,
Faridabad(Retired)

R/o 80/63, Panchkuan Road,
Karol Bagh, New Delhi.

... Applicant

Vs.

1. Union of India,
through its General Manager,
Central Railway, Bombay V.T.

2. The Divisional Railway Manager,
Central Railway, D.R.M. Office,
Jhansi.

... Respondents

ORDER

Hon'ble Shri J.P. Sharma, Member(J)

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The Review applicant has filed this Review Petition
against the judgement of the Single Bench dated 30.9.94 by which
the application praying for the correction of date of birth from
15.7.36 to 15.7.39 was rejected.

2. The first ground taken by the Review applicant is that
the cases which have been referred to in the judgement are not
applicable to the present case. These cases are quoted below:-

- a) Executive Engineer, Bhadrak (R & B) Division Vs.
Rangadhar Malik (JT 1992(5) S.C. 364)
- b) Union of India Vs. Harnam Singh (1993 (24) ATC 92)
- c) State of Tamil Nadu Vs. T.V. Venugopalan (JT 1994 (5) S.C. 537)
- d) Secretary & Commissioner, Home Department Vs.
R. Khumbakaran (JT 1993(5) S.C. 404)

This contention of the learned counsel cannot be accepted. The
established law by the Hon'ble Supreme Court is that at the fog end

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of the service there can be no change in the nature of date of birth which has continued during all his service career.

Regarding the fact that there is a mention in the judgement that the applicant had retired on 31.1.94, it appears that instead the digit 7 the digit 1 has been typed and this has not made any difference to the reasoning arrived at in the judgement.

In para 4 of the judgement the figure 31.7.94 has been rightly typed as the date of retirement. This therefore has no ground for reviewing the order for reasoning given in the judgement. Regarding the ground taken in para 8 of the grounds, the factor has already been considered in the body of the judgement. The averments made in Ground D, E and F have already been considered in the judgement under review. There is no error apparent on the face of the judgement nor there is any matter which was left untouched and ~~over-ruled~~ in the original application or argued by the learned counsel at the time of hearing. The Review applicant is not relying on any fresh evidence to consider his case.

2. In view of the above facts I find no merit and the Review application is dismissed as totally devoid of merit.

J.P. SHARMA
(J.P. SHARMA)
MEMBER(J)

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