CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A.NO.226/95 in
O.A.NO.929/93

New Delhi, this the 30th day of August,1995

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

Shri P.L. Sethi,
s/o late Shri Narain Dass Sethi,   ...Applicant
G-32,Preet Vihar,Delhi.

Vs.

Union of India,
through

1. Secretary,
   Ministry of Defence,
   South Block,
   New Delhi.

2. Joint Secretary(A),
   Ministry of Defence,C-II Hutments,DHOPO
   New Delhi.   ... Respondents

ORDER

The applicant has filed this Review Application

solely on the basis that the Hon'ble Supreme Court in the

order dated 16.11.90 where the Hon'ble Supreme Court directed

the respondents to take immediate steps to have enquiry completed

in accordance with the orders of the Tribunal and pass the

final order on that. In fact, the order of the Hon'ble

Supreme Court does not give a direction to pass the order

in a particular manner. The respondents have decided the

matter by a speaking order dated 25.2.93 holding that the

genuineness of the Middle School Examination Certificate

could not be proved beyond doubt despite protracted

correspondence, case for change in date of birth has been

reviewed very carefully and the request cannot be acceded to..

The aforesaid order has also been judicially reviewed in the

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light of the case of Harnam Singh Vs. UOI reported in 1993 SCC 162. The contention of the applicant is that the issue that the date of birth can be corrected at any time was settled earlier in the decision of the Tribunal cannot have a binding effect. The case has to be decided in accordance with the latest law and precedents of the Apex Court. The matter has been dealt with extensively in the body of the judgement and there is no error apparent on the face of the judgement. A review cannot be for reopening the arguments for fresh hearing unless and until it is shown that any point raised has not been considered or that the petitioner wants some other evidence to be considered which was not in his knowledge when the case was earlier heard. That is not the case here. In a catena of judgements the Hon'ble Supreme Court has held that the correction of date of birth cannot be resorted to at the fag end of the service. The recent decision has been given by the Hon'bleSupreme Court in the case of Chief Medical Officer Vs. Khadeer Khadri reported in JT 1995(1)SC 453 holding that the belated attempts to rectify the mistake in date of birth cannot be accepted. The applicant has filed a number of original applications and the respondents we-re directed to go into the merit of the case of the claim of the applicant but ultimately the respondents rejected the claim. It is not for the judicial review to sit as an appellate authority to find the

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genuineness of the certificate on the basis of which the correction in the date of birth is sought. The applicant has himself given the date of birth as 30.3.1930. His contention is that his date of birth was forced upon him by his parents though his actual date of birth shown in the School Register is 1.2.1932. All these points have already been considered in the judgement under review and the reliance has been placed on the latest decision of the Hon'ble Supreme Court. It was for the first time in November, 1985 that the applicant has made a representation for the correction of date of birth. The applicant has since joined as an advocate and the law laid down by the Hon'ble Supreme Court is quite clear. In view of this, the applicant has no case.

In view of above, there is no ground to review the judgement and the Review Application is, therefore, dismissed by circulation.

(J.P. SHARMA)
MEMBER(J)

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