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CAT/7/12

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI**

R.A.No. 334/93

DATE OF DECISION 4.10.93.

in

O.A.No. 1421/93 UNION OF INDIA & OTHERS **Petitioner**

Shri B.K. AGGARWAL, Advocate for the Petitioner(s)

**Versus**

SHRI K.C. TYAGI, Respondent

SHRI B.S. MAINEE, Advocate for the Respondent(s)

**CORAM**

**The Hon'ble Mr. B.S. Hegde, Member (Judicial)**

**The Hon'ble Mr.**

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

**O R D E R**

The applicant has filed this application seeking review of the judgement dated 12.8.1993. I have seen the Review Application and I am satisfied that the Review Application can be disposed of by circulation under Rule 17(iii) of the CAT (Procedure) Rules, 1987 and I proceed to do so.

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2. The main ground in seeking review of the judgement is that the applicant had concealed the true date of birth while joining the service. The respondents conceded that they did not had his service file and the entire file was reconstructed in the year 1989 and they had to reopen his date of birth issue on account of the decision in the PNM meeting held on 17th and 18th June, 1991. It is contended by the Respondents that the information given by the applicant at the time of joining his service <sup>was</sup> found to be not correct and accordingly they had taken up with U.P. Board, Allahabad for confirmation of the certificate submitted by the applicant and they say that the UP Board have categorically stated that the date of birth of the applicant is 20.7.1935. It is already brought in judgement that the seniority list issued by the Respondents, it has not brought to the notice of the applicant and he is unaware of the same. It is not the case of the Respondents that the applicant had sought change of birth at the fag end of his service. On the other hand the Respondents suo moto took action to alter the date of birth without giving due opportunity to the applicant.

3. The scope of the review is very limited and

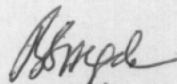


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and Review Application is only maintainable if there is an error apparent on the face of the record or some new evidence has come to notice which was not available even after exercise of due diligence or any other sufficient reason under O. 47 Rule 1 C.P.C.

4. A perusal of the review petition makes it clear that none of the ingredients, referred to above, have been made out to warrant a review. Further, the Supreme Court in Chandra Kanta and another vs. Sheik Habin [AIR 1975 SC 1500] has observed that the Review Application cannot be utilised for re-arguing the case transversing the same ground. Review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility.

5. In the light of the above, I do not see any merit in the Review Application and the same is rejected in circulation.

  
(B.S. Hegde)  
Member (J)