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In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.393/92
OA No.1154/86

Date of Order:08.01.1993.

Shri Kameshwar Nath

...Petitioner

Versus

Union of India through the
Secretary, Ministry of Home
Affairs & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

In person.

For the respondents

None

O R D E R

The petitioner has prayed for review of our judgement in OA No.1154/86 passed on 31.5.1991. The petitioner has urged the following principal grounds for justifying the review:-

- i) that the Tribunal vide order dated 15.5.1991 had directed him to produce certain documents which were in fact produced by him. These documents have not been taken into consideration. Had this been done, the Tribunal would not have reached the conclusion, which it did in the judgement.
- ii) The Tribunal placed its reliance on Section 17 of the Registration of Births and Deaths Act, 1969 but by-passed the provisions in Section 13 of the said Act.

2. The petitioner wished to file certain documents before us at this stage to fortify his case. It was explained to him that the scope of the review petition is extremely limited. The normal rule is that judgement once it is signed and pronounced becomes final and it

cannot be altered or added to thereafter unless the grounds brought out are such as fall within the statutory exceptions as listed under Order XLVII of the Code of Civil Procedure. These are:-

- a) There should be an error apparent on the face of record.
- b) Some new documents have become available which were not within the knowledge of the petitioner even after exercise of due diligence; and
- c) any other sufficient reason.

3. As far as the documents which the petitioner wants us to take cognizance are concerned, they cannot be said to be documents which were not available with him had he exercised due diligence. These documents cannot, therefore, be filed at this stage and do not constitute valid ground for review.

4. We have perused our order 15.5.1991, according to which the petitioner was directed to file some documents. The said order is reproduced below:-

"We have heard Shri G.D. Gupta, learned counsel for the applicant. We waited for the learned counsel for the respondent No.1 to 4 but none appeared. We, therefore, reserved the orders on the O.A."

It will be apparent from the above that there was no direction to the petitioner to produce any documents before the Court. In fact, it was for him or his counsel to file all documents which were available with him or were within his knowledge at the time the O.A. was filed or even later when the case was finally heard. It is well established that all arguments are to be presented when the case is heard. The petitioners are precluded from reserving certain arguments for reagitating the matter later.

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5. As regards the second ground the fact is that the Tribunal went by the provisions of Section 17 of the Registration of Births and Deaths Act, 1969 is not without any foundation. The Tribunal has considered Sections 13 and 17 of the said Act in the judgement and the conclusion arrived at is after making the analysis of the said provisions. The conclusion is not to the liking of the petitioner is not a germane issue. On the basis of such arguments the petitioner cannot travel over the Original Application again when the matter has already been heard and finally decided.


6. The judgement was pronounced in this case on 31.5.1991. In accordance with Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987, the review application can be entertained within 30 days from the date the order was communicated to the petitioner. The review application is, therefore, highly belated and deserves to be dismissed on this ground alone, more so when there is no application for condonation of delay, giving satisfactory reason.

7. As this is a case regarding change in date of birth, it will be relevant to refer to the judgement of the Hon'ble Supreme Court in the case of Executive Engineer, Bhadrak (R&B) Division, Orissa & Ors. vs. Rangadha Mallik reported in JT 1992 (5) SC 364. In this case the petitioner's date of birth was recorded as 27.11.1928 and he had put his signature in token of its correctness. Later on, he made a representation in 1986, claiming his date of birth to be a later date. The representation was rejected. The Hon'ble Supreme Court observed that the date of birth of the petitioner in that case was recorded as 27.11.1928 and "he had also put his signature in the service role accepting his date of birth as 27.11.1928. The respondent did not take any step nor

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made any representation as well as the documents furnished by the respondent were considered by the Governor and therefore his representation was rejected. It cannot be said that such action taken by the Government was in any manner illegal or against any principle of natural justice.."

8. Considering from any angle the R.A. is not maintainable. It is not maintainable first because it is barred by limitation prescribed under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 and secondly the grounds on which the review has been sought are not covered by the statutory exceptions provided under Order XLVII of Code of Civil Procedure. Accordingly, the R.A. is rejected.


(J.P. SHARMA)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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