

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1849/87
T.A. No.

198

DATE OF DECISION 17th JAN. 90

Sardool Singh Applicant (s)

Shri S.K. Bahadur Advocate for the Applicant (s)

Union of India ^{Versus} Respondent (s)

Shri K.C. Mittal Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. T.S. Oberoi, Member (J)

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

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT (oral)

(by Shri T.S. Oberoi, Member)

This is an application under Section 19 of the

Administrative Tribunals Act, 1985 filed by Shri Sardool Singh, ex-Foreman (Electrical), Sub Divn. No. 1, President Estate's Division, CPWD, New Delhi, praying for correction of his date of birth from 16.4.1927 to 17.3.1934 in his service records.

2. A preliminary objection has been raised by the learned counsel for the respondents that a judgment had been delivered in the case on 24th April, 1987 by another Bench of this Tribunal, comprising Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman and Hon'ble Shri V.S. Bhir, Member (A) and that, in case, any fresh material became available to the applicant, on the basis of which, he wanted the matter to be re-considered, he could have very well come by way of a review application, under the relevant provisions of law. The learned counsel for the respondents, therefore, pleaded that a fresh O.A. in the presence of a judgment on the same subject, between the same parties and praying for the same relief, is not maintainable.

3. We have also heard the learned counsel for the applicant, who contended that in compliance with the judgment dated 24th April, 1987, the applicant procured the requisite documents and produced them before his employers, in accordance with para. 12 of the said judgment, for reconsideration of his case. However, the Department vide letter dated 25th September, 1987 (Annex. 'A' to the present application), declined the request of the applicant, made vide his representation submitted for the purpose, and it was in these circumstances, that the applicant had to file the present O.A.

4. We have carefully considered the rival contentions with regard to the preliminary objection, as briefly set out above. We are of the considered view that, if at all, some fresh material, which was not earlier available to him and which came to his knowledge subsequently, and the same could help him in any manner, such fresh material would, at best, form a ground for seeking a review of the judgment already rendered in the case.

5. In the circumstances, we do not find it possible to re-hear the matter, which stands already disposed of by a final judgment, by another Bench of this Tribunal.

6. As a result of the above, the application is rejected. The applicant will be at liberty to move an appropriate application, if so advised, in accordance with the provisions of law. There will be no order as to costs.

Subhash
(I.K. Rasgotra)
Member (A)

Vikram 17.1.90
(T.S. Oberoi)
Member (J)