

8

of 1987

420

1987

O.A. No.

TAX NO.

19.11.1987

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Mathur, Vice-Chairman

The Hon'ble Mr. Justice G.Ramanujam, Vice-Chairman

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 ?

(G. RAMANUJAM)
VICE CHAIRMAN

(B.C. MATHUR)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Thursday, the Nineteenth Day of November
One Thousand Nine Hundred and Eighty Seven

PRESENT

Hon'ble Mr. Justice G. Ramanujam, Vice-Chairman
and

Hon'ble Mr. B. C. Mathur, Vice-Chairman

Review Application No. 72 of 1987

in

Original Application No. 420 of 1987

T. Ramulu .. Applicant/applicant

-Vs.-

Union of India .. Respondent/Respondent

Mr. N. K. Sood .. Advocate for the applicant

Mr. M. K. Gupta .. Advocate for the respondent

ORDER PRONOUNCED BY

Hon'ble Mr. Justice G. Ramanujam, Vice-Chairman

This is a review application for reviewing the judgement rendered by this Tribunal on 8.7.1987 in Original Application No.420 of 1987. In the said judgement the evidentiary value of the certificate dt.20.4.1987, issued by the Sarpanch, Melacherru Gram Panchayat, as also the marriage certificate, produced by the applicant ^{which} has been issued four years after the applicant had joined service, had been considered and a view has been taken that these documents cannot be taken to establish the correct or true age of the applicant.


In this review application, the counsel for the applicant seeks to reargue the matter and has questioned the view taken by the tribunal as to the evidentiary value of the documents referred to above. It is well established that a review cannot be sought for rearguing the case and it can be resorted

to only when there is an error
 apparent on the face of the record
 or when there is any ^{new or fresh} material which
 could not be placed before the tribunal
 at the earlier stage. In this case, no
 such new material had been produced
 and the counsel for the review
 applicant ^{merely} says that the documents
 already produced before the Tribunal
 should be taken to establish the
 correct date of birth of the applicant.
 Then the counsel for the review
 applicant would question the assessment ^{as long}
 by the medical authority, ~~made in~~
~~respect of date of birth~~ when the
 applicant had entered service. Even
 assuming that the assessment of the
 doctor cannot ~~xxx~~ be taken to be a
 conclusive factor as regards the age
 of the applicant, unless the applicant

proves to the satisfaction of
the Tribunal. ~~xxx~~ his correct
date of birth with adequate supporting
evidence, he cannot get the relief
sought for in the main application,
viz. for continuation in service up
to the age of superannuation as per
the date of birth given ^{by} him. Therefore
the substantial point which the
applicant has to establish is his
date of birth, with adequate supporting
evidence, and since the documents
produced by him has been found to be
insufficient to establish his date of
birth, the matter cannot be reargued again.

Hence we reject the review application.


(G. RAMANUJAM)
VICE CHAIRMAN


(B. C. MATHUR)
VICE CHAIRMAN

19.11.1987