

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

RA 72 of 1987
in
O.A. No. 420 1987
T.A.A.N.O. XXX

DATE OF DECISION 19.11.1987

T.Ramulu

Petitioner

Mr.N.K.Sood

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Mr. M.K.Gupta

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

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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
^{which}
by the applicant 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 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 ~~the~~ date of birth when the
applicant had entered service. Even
assuming that the assessment of the
doctor cannot ~~be~~ be taken to be a
conclusive factor as regards the age
of the applicant, unless the applicant

proves to the satisfaction of the Tribunal that 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.

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(G.RAMANUJAM)
VICE CHAIRMAN

B.C. Mathur
(B.C.MATHUR)
VICE CHAIRMAN

19.11.1987