

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1713/89
T.A. No.

198

RA - 181/89
MP-2674/89

DATE OF DECISION December 19, 1989

SHRI M. L. TIKKU

Applicant (s)

SHRI SURINDER N. KARNAUL

Advocate for the Applicant (s)

Versus

UNION OF INDIA

Respondent (s)

MRS. RAJ KUMARI CHOPRA

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.C. Jain, Member(A)

The Hon'ble Mr.

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

JUDGEMENT

Shri M.L. Tikku, applicant in OA No.1713/89 has filed this review application under Section 22(3)(f) of the Administrative Tribunals Act, 1985 praying for review of the decision in OA, which was rendered on 6.10.89. He has also prayed that the respondents be directed to make necessary correction in the conversion of his date of birth, and that, as an interim measure, the respondents be directed to allow the applicant to resume his service till the final decision of the review application.

He has also filed an N.P.No.2674/89 alongwith the review application with the prayer that the respondents be directed to submit the copy of correct conversion of the date of birth of the applicant before deciding the present review application.

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The main grounds on which the review of the decision dated 6.10.89 has been sought comprise (1) that the prayer in the OA was for correct conversion of the date of birth from the Bikrami Samat to Christian Era and not for a change in the date of birth; (2) reproduction of original Matriculation certificate was not necessary for this purpose; and (3) the India Meteorological Department has already supplied to the respondent department the correct conversion which would prove the case of the applicant.

MP No. 2674/89 is a part and parcel of the review application and it is, therefore, not necessary to get it listed for hearing as the RA is being decided on the basis of circulation as provided for in the rules. The prayer in the MP is really for summoning of a particular document from the respondents. Such a request cannot be acceded to at the stage of review application. Moreover, Annexure A-VI to the RA filed by the review applicant shows that he wrote to India Meteorological Department in this connection for the first time on 3.11.89, about a month after the decision was given in the OA. The reply dated 9.11.89 from that department (Annexure-VI) does not mention the date on which that department had informed the respondents department about their opinion in the matter. There is no indication whatsoever in this letter as to what was the opinion expressed by that department on the conversion of the applicant's date of birth in Bikrami Samat to Christian Era. Nothing prevented the applicant from seeking expert opinion from India Meteorological Department before filing the OA or before it was finally disposed of. For all these reasons, the prayer in the MP filed with RA cannot be accepted.

The onus of proving that the conversion of his date of birth from Bikrami Samat to Christian Era as done by the department and as recorded in his official service record was incorrect was of the applicant. The evidence produced by him in that

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connection in the OA was not accepted for the reasons given in the judgment. As already stated above, any new evidence cannot be allowed at the stage of review application.

The other point urged by the applicant is that his prayer in the OA really amounted to correction of his date of birth as recorded and not for a change. This is also not tenable. The service record of the applicant showed his date of birth to be 8.8.1931. Any change therein would amount to a change in the recorded date of birth irrespective of the reasons which may necessitate such a change. In any case, the applicant himself as late as 9.12.85 had given in writing ^{under his} in his own signatures that 8.8.1931 was his date of birth.

For the reasons given above, I see no merit in this review application which is accordingly rejected.

Dec 19/11/89
(P.C. JAIN)
MEMBER(A)