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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.No.86/91 IN O.A.No.1232/90

DATE OF DECISION 30.9.1991

SHRI BHAG SINGH

-- APPLICANT

VS

UNION OF INDIA

-- RESPONDENTS

O R D E R

The applicant has filed a Review Petition No.86/91 on 15-9-1991 seeking review of the judgement, in O.A.No. 1232/90 dated 5-7-1990. According to the order dated 5-7-90, the application was dismissed as the applicant could not produce any conclusive evidence for change in his date of birth. At the same time, the application was considered to be belated and, therefore, liable for rejection. In the R.A., the only ground taken is that the applicant has since obtained a certificate issued by Registrar of Births and Deaths, District Hamirpur, Himachal Pradesh, according to which his date of birth should be 8-6-1936. This certificate has been issued on 21-3-1991. The Bench comprising of Hon'ble Shri B.C.Mathur, Vice-Chairman (A) and one of us Hon'ble Shri J.P.Sharma, Hon'ble Member (J) had observed in the judgement that O.A. is "really very much belated and cannot be accepted".

The same was, therefore, dismissed. Thus the O.A., itself, was dismissed as time-barred apart from other reasons given in the decision. The R.A. too, is filed much after the permissible period of 30 days from the date of receipt of the decision. According to the applicant, he had applied for a copy of the judgement on 3-4-91. Apparently the applicant did not apply in time for the copy of the judgement as his application by oral judgement had been dismissed by the Court on 5-7-90. The applicant also stated that he received certified copy of the judgement on 8-4-1991. He applied for the copy of the judgement in April, 1991 after he had obtained a copy of the certificate from the Registrar of Births and Deaths, District Hamirpur. When the O.A. itself had been dismissed as being timebarred, the question of filing review application does not arise as the same is not maintainable. Further even if the review lies the same has a very narrow compass. There is no apparent error on the face of the record nor any new evidence has been produced which was not available to the applicant, had he exercised due diligence. The certificate now produced should have been produced by him to support his claim for change in the date of birth alongwith the O.A. He has already retired from the service w.e.f. 30-6-1990 and is also drawing pension.

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We are, therefore, not inclined to interfere in the matter in view of these circumstances at this stage. The R.A. is, accordingly, rejected as timebarred and lacking merit. A copy of this order may be given to the applicant as well as to the learned counsel for the respondents.

J.P. Sharma

(J.P. SHARMA)
MEMBER (J)

I.K. Rasgotra

(I.K. RASGOTRA)
MEMBER (A)

30/7/91