

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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R.A.No.213/91

Date of order: 14-07-1993

O.A.No.2697/90

Sh. Kazim Ali Khan

.....

Applicant

versus

Union of India & Ors.

.....

Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the review applicant : Sh. M.M. Sudan, counsel

For the respondents : Ms. Veena Kalra, proxy

counsel for Mrs.Avnish

Ahlawat, counsel

ORDER

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

This is an application praying that the order dt. 1.10.1991 passed by a Division Bench of this Tribunal of which one of us (Hon'ble Sh. B.N. Dhoundiyal, Member(A) was a party may be reviewed.

The applicant received a communication on 11.5.1989 from the Deputy Secretary of Law, Delhi Administration informing him that he would stand retired w.e.f. 31.12.1991 on attaining the age of superannuation. Thereafter, he came to this Tribunal by

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means of O.A. in which the order passed is sought to be reviewed.

The controversy raised in the O.A. was that, in fact, the petitioner was born on 23.8.1934 and not on 1.1.1933 as recorded in his service book.

The petitioner entered into service some time in 1952. Earlier, he raised a controversy in the department itself. He was directed to get the date of birth as entered in his school leaving certificate (CBSE) corrected wherein 1.1.1933 has been recorded as date of his birth. The department took the view against him. He preferred a writ petition in High Court at Delhi which was dismissed on merits.

This Tribunal noticed that the High Court had already dismissed the petition. It by means of a detailed order, dismissed the O.A. and took the view that 1.1.1933 had been rightly recorded as the date of birth of the petitioner.

In the order it is specifically recorded that the entire record had been gone through. In support of the R.A., the submission is that the Tribunal failed to advert to certain documents on record. Be that as it may, it is a settled law that no judgement can be vitiated merely because some document filed in the case is not specifically referred to in it. It is to be

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presumed that the Bench took into account the relevant material while recording its finding. No error apparent on the face of record is discernible in the order passed by the Tribunal on 1.10.1991. No ground, therefore, exists for interference within the framework of Order XLVII Rule 1 of C.P.C. Therefore, the application has to fail. We may indicate that the Special Leave Petition preferred by the petitioner from the order dated 1.10.1991 has been dismissed as withdrawn.

The review application is rejected.

*B.N. Dhoundiyal*  
(B.N. Dhoundiyal)

Member(A)  
14.07.93

*S.K. Dhaon*  
(S.K. Dhaon)

Vice Chairman  
14.07.93

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