

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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RA 280/92 in OA 177/92

2 .08.1992

Shri Horam Singh Vs. Union of India & Another

O R D E R

The applicant, Shri Horam Singh filed this Review Application against the judgement dated 9.7.1992. The applicant in the RA filed the OA for the correction of his date of birth to 25.12.1936, while the recorded date of birth is 19.8.1931, which is also recorded in the certificate of passing the High School Examination from the U.P. Board in 1950. The application has been dismissed as barred by time as well as devoid of merit at the admission stage itself by the judgement under review.

2. The grounds taken by the applicant in this RA that the applicant is entitled to agitate for correction of the date of birth till the last date of his reaching the age of superannuation. He has placed reliance on the decision of Hira Lal Vs. Union of India & Ors., reported in 1987(3) ATC p-130 decided by the Principal Bench of the Central Administrative Tribunal. In another context in the Review Petition, the applicant has also referred to the judgement of the Hon'ble Supreme Court in the matter of A.R. Antulay Vs.

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R.S. Nair, reported in AIR 1933 SC to throw light on the fact that a decision becomes per incuriam which is delivered in ignorance of law or which violates the Fundamental Right and it is the duty to correct the judgement as soon as it is brought to the notice of the Court.

3. I have considered the grounds taken in the Review Application. There is a clear finding in the judgement itself and the matter has been dealt with elaborately in the body of the judgement. The final order of rejection by the respondents on the representation of the applicant dt. 23/25.6.1989 is dated August 28, 1989, which is Annexure A2 to the CA. This is the starting point of limitation in the case of the applicant for coming for redress of his grievance before the Tribunal and the authority of S.S. Rathore Vs. State of Madhya Pradesh, reported in AIR 1990 SC p-10 fully covers the present case. The Original Application was filed before the Principal Bench on 22.1.1992. While disposing of this application, this fact has also been considered that the date of birth recorded in the High School Certificate is

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Oct. 19.8.1931 and the applicant passed the High School examination in 1950. The applicant has not made any attempt to get this High School Certificate corrected from the competent authority which issued the same and the date of birth recorded in the High School Certificate is taken as authentic. The case of Hira Lal referred to by the applicant in the Review Application has no bearing to the present case. Hira Lal was engaged as a Bell Ficker when he was a boy and was illiterate. The applicant is an educated person and last worked as Deputy Regional Director, so the facts of that case are totally different. The applicant cannot reopen the case afresh.

4. As provided by Section 23(3) (f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or

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- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

5. The case of the applicant is not covered by any of the above grounds. The Review Application has, therefore, no force and is dismissed.

AKS
CHAMBER

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(J.P. SHARMA)
MEMBER (J)
2 .08.1992