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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Review Application No. 10/3 of 1994
(On Behalf of Union of India and others)

IN

O.A. No. 1613 of 1993

Chandrika Prasad

... Applicant.

Versus

Union of India
and others

... ... Respondents.

...

Hon. Mr. S. Das Gupta, Member(A)
Hon. Mr. T.L. Verma, Member(J)

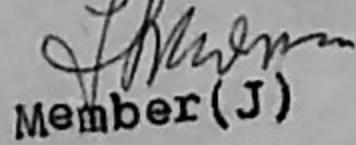
(By Hon. Mr. S. Das Gupta, Member(A))

This application has been preferred under Rule-17 of the Central Administrative Tribunal, (Procedure)Rules, 1987 seeking the review of the judgment and order dated 2.2.1994 by which O.A. No. 1613 of 1993 was allowed. In the judgment and order which is sought to be reviewed, the Tribunal came to the conclusion that the admitted date of birth of the applicant being 20.7.1947, he had not attained the age of 50 years on the crucial date i.e. 1.7.1992 and was thus ^{not} ~~not~~ age-barred for being appointed to regular Group-D post. The application for review is on the ground that the date of birth of the applicant cannot be taken as 20.7.1947 in view of certain inconsistent stands taken by the applicant from time to time. The facts which are now being brought out in the review application were never mentioned either in the counter reply nor in the

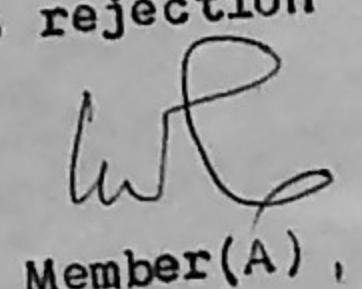
arguments advanced by the counsel for the respondents. The Tribunal put specific query to the respondent's counsel as to why they considered the applicant to be over age when he, infact, has not completed 50 years of age on the basis of the admitted date of birth i.e. 20.7.1947. The learned counsel for the respondents could not give any reply except making reference to the departmental circular which only states that ^{those} who have crossed the age of 50 years will not be eligible for appointment to Group-D posts. The respondents have, therefore, /been diligent in bringing full facts to the Tribunal and it could not be said that such facts have been discovered only now after the judgment has been delivered.

2. The judgment and decision dated 2.2.1994 does not appear to suffer from any error apparent on the face of the record. No new material or evidence have been discovered which were not within the knowledge of the party or could not be produced by them at the time the judgment was given. Had they exercised due diligence.

3. We, therefore, ^{find} found that there is no sufficient reason justifying the review of the judgment. The review application, therefore, merits rejection and the same is hereby rejected.


Member (J)

Dated: 21 April, 1994.
(n.u.)


Member (A),