

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, MUMBAI 400001

REVIEW PETITION No. 53 OF 1997
IN
✓ ORIGINAL APPLICATION No.889/96

DATED: 19TH JUNE 1997
CORAM: Hon'ble Shri B S Hegde, Member(J)

Shripad Chandrarao Shinde
Shinde Nivas, 317
Kasturba Cross Road No.6
Borivali(E), Mumbai 400066 ..Applicant

v/s.

Union of India through
General Manager
Western Railway
Churchgate
Mumbai 400020 & 2 ors. ..Respondents

ORDER (By circulation)
(Per: B S Hegde, Member(J))

1. The Applicant has filed this Review Petition No. 53/97 seeking review of the judgment/order dated 25.3.97. The short question involved for consideration in the O.A. was regarding the change in the date of birth. In the service record his date of birth has been recorded as 8.5.1934 based on the S.S.C. School Leaving Certificate. The applicant wanted his date of birth to be corrected as 8.4.1936. The applicant had filed OA No.408/92 for altering his date of birth which was disposed of by the Tribunal vide order dated 21.1.93 with the direction to the respondents to take into account the Tahasildar's certificate and pass a fresh order. In 1991 the competent authority gave the applicant a personal hearing and examined the extract from the register of birth which the applicant had obtained in the year 1963 i.e., after a lapse of 28 years. The applicant alleged that he was

[Signature]

orally told by his superior staff that unless he furnished a documentary evidence to that effect, the change in the date of birth cannot be considered. Thereafter the applicant had filed OA No.306/93 which was dismissed by the Tribunal vide its order dated 9.2.94. The applicant had filed a Review Petition No.51/94 which also was rejected on 4.4.94. Further the applicant filed yet one more O.A. No.694/94 on the same issue which was dismissed on 27.6.1994. The Applicant onceagain filed O.A. No. 889/96 for change of Date of Birth. The Tribunal after considering various aspects held that the OA has no merit and also hit by the principles of resjudicata and while dismissing the OA awarded the cost of Rs.500/=. The order of the Tribunal was dispatched on 10.4.97 and the present Review Petition is filed on 10.6.97. Thus there is a delay of 30 days. The applicant has filed an Miscellaneous Petition No.328/97 for condonation of delay.

2. The only ground stated in the M.P. for condonation of delay is that during summer vacation he could not file the petition and hence the delay in filing the Review Petition should be condoned. Even during summer vacation Registry of the Tribunal is open and it was open for him to file the Review Petition within the stipulated period, which he did not do.

3. I have carefully considered the Review Petition filed by the applicant and I find that no new point has been

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made out by the applicant and he is re-agitating the same grounds which he has urged in the OA. It is therefore not open to the applicant to reargue the same grounds. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility.

4. I find that neither any error apparent on the face of the record has been pointed out nor any new fact has been brought to my notice calling for a review of the original judgment. The grounds raised in the Review Petition are more germane for an appeal against the judgment and not for review.

5. In the light of above M.P.No. 328/97 for condonation of delay in filing the Review Petition and Review Petition No. 53/97 are dismissed firstly on the ground of delay and secondly on the ground that it is devoid of merit. No order as to costs.


(B.S. Hegde)

Member(J)

trk

cllo. 19/6/97
order/Judgement despatched
to Applicant/Respondent(s)
on 22/6/97

30/6/97