

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 572/87(F)

(WP. NO.

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED : 23/7/87

APPLICANT

Vs

Shri G.C. Muniramaiah

TO

RESPONDENTS

The Secy, M/o Defence & 2 Drs

1. Shri G.C. Muniramaiah
Scientist 'B'
L.R.D.E.
DRDO Complex
Sir C.V. Raman Nagar
Bangalore - 560 093
2. Shri Y.S. Ramakrishna
Advocate
Parakala Mutt Buildings
Tank Bund Road
Bangalore - 560 009

① Advocate & Applicant Copy

received on 23/7/87

Eric Muller
23/7/87

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 572/87(F)

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

20-7-87

ENCL: As above.

B. V. Venkateshwar
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 20TH DAY OF JULY 1987

Present: Hon'ble Shri Ch. Ramakrishna Rao

Member (J)

Hon'ble Shri P. Srinivasan

Member (A)

APPLICATION NO. 572/87(F)

G.C. Muniramiah
Scientist 'B'
LRDE DRDO Complex
Sir C.V. Raman Nagar
Bangalore - 560 093.

...

Applicant

(Shri Y.S. Ramakrishna

... Advocate)

Vs.

1. Secretary
Ministry of Defence
New Delhi.

2. The Scientific Adviser
Ministry of Defence & Director
General, Research & Development
Organisation, New Delhi - 110 001.

3. The Director
LRDE, DRDO Complex
Sir C.V. Raman Nagar
Bangalore - 560 093.

...

Respondents

This application has come up before the court today. Hon'ble Shri Ch. Ramakrishna Rao, Member (J) made the following:

ORDER

The prayer in this application is to pass an order directing the Respondents to correct the date of birth (DOB) in the service records from 19.6.1931 to 19.6.1934 on the basis of the decree obtained by him in OS No. 1671/81 in the Court of the Sixth Additional City Civil Judge, Bangalore. The



request of the applicant for effecting a change in the DOB in his service records was rejected by the Director, LRDE, Bangalore (Respondent 3). Aggrieved by this, the applicant has filed this application.

2. We have perused the records and heard Shri Y.S. Ramakrishna, learned counsel for the applicant. It appears that the Decree was obtained by the applicant without impleading any of the Respondents in the present application as a defendant in the suit. In our view, the Respondents are necessary parties to the suit filed by the applicant in the Civil Court because the decree granted by the Civil Court has a direct impact on the service of the applicant under the Respondents. Any Decree obtained without impleading the Respondents, will not, therefore, be binding on them.

3. The legal position is well settled that birth is a prime event in a person's life and the DOB does not confer any status on the person concerned. In other words, a judgement or a Decree obtained from a Civil Court regarding the DOB is not a judgement in rem but only a judgement in personam and, as such, it will have no binding effect on persons not impleaded in the suit like the respondents in the present case.

4. We, accordingly, reject this application in limine even at the stage of admission.

B. V. Venkatesh
B. V. Venkatesh
REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

MEMBER (J)

MEMBER (A)

Sd/-

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@ @ @ @ @ @ @ @ @ @ @ @

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 19/8/87

REVIEW APPLICATION NO 109
IN APPLICATION NO. 572/87(F) 87)

W.P. NO _____

Applicant

Shri G.C. Muniramaiah

v/s The Secretary, M/o Defence & 2 Ors

To

1. Shri G.C. Muniramaiah
Scientist 'B'
LRDE, DRDO Complex
Sir C.V. Ramannagar
Bangalore - 560 093
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/

~~INTERIM ORDER~~ passed by this Tribunal in the above said Review
application on 25-8-87

Sub-Deputy Registrar
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Encl : as above

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 25TH DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

REVIEW APPLICATION NO. 109/1987

Shri G.C. Muniramaiah,
Scientist-B,
LRDE, DRDO Complex,
Sir C.V. Ramannagar,
Bangalore.

.... Applicant.

(Shri M. Narayanaswamy, Advocate)

v.

1. The Secretary,
Ministry of Defence,
New Delhi.

2. The Scientific Adviser,
Ministry of Defence &
Director General,
Research & Development
Organisation,
New Delhi.

3. The Director,
LRDE,
DRDO Complex,
Sir C.V. Raman Nagar,
Bangalore.

.... Respondents.

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

In this application made under Section 22(3)(f) of
the Administrative Tribunals Act, 1935 ('the Act') the
applicant has sought for a review of an order made by
a Division Bench of this Tribunal on 20.7.1987 rejecting
his Application No.572/87 at the admission stage without
notice to the respondents.



2. In his application, the applicant sought for enforcement of a civil court decree obtained by him without impleading the respondents to the said decree. On an examination of the same, this Tribunal held that that decree, to which the respondents were not parties, was not binding on them on which view it rejected the application summarily.

3. Shri M.Narayanaswamy, learned counsel for the applicant, contends that his client was only seeking for the enforcement of the corrected date of birth in the SSLC Marks Card and was not seeking to enforce the decree as such and by its failure to appreciate the same had committed a patent error apparent on the face of the record.

4. We are of the view that the contention of Shri Narayanaswamy even if correct, does not constitute an apparent error to justify a review by us. In reality and in substance, the applicant is asking us to re-examine the earlier order, as if we are a court of appeal and come to a different conclusion which is impermissible in a review.

5. On the foregoing discussion, we hold that this Review Application is liable to be rejected. We, therefore, reject the review application at the admission stage, without notice to the respondents.

S. V. Venkatesh
S. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-

Vice-Chairman

25/8/81

Sd/-

Member (A)

dms/Mrv.

- True COPY -

Open *Regd* *SO* *RAK*
D. No. 4907/87 sec. iv-A
SUPREME COURT OF INDIA
NEW DELHI.

dated 16/3/88 5-4-1988

From: The Additional Registrar,
Supreme Court of India,

To: The Registrar, *✓ The Registrar,*
High Court of *Central Administrative Tribunal,*
Additional Bench, Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 12561 of 1987

(Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment
& Order dated 20/7/87 of the High Court of

Central Administrative Tribunal, Additional Bench, Bangalore
in Appeal No. 572 of 1987 (C)

G. C. Maniramiah

...Petitioner

-vs-

Secretary Ministry of Defence ...Respondent
New Delhi 3/2

Sir,

I am to inform you that the petition above-mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the petitioner above-named from the Judgment and Order
Central Administrative Tribunal, Addl. Bench, Bangalore,
of the High Court noted above and that the same was/were
dismissed by this Court on the 15th day of December
1987...

Yours faithfully,

[Signature]
for ADDL. REGISTRAR

Ms. 108