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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 877/93

Transfer Application No:

DATE OF DECISION 29-10-93

Shri Ananda Chavan Petitioner

Shri Denesh Adsule Advocate for the Petitioners

Versus

Union of India through Respondent
Ministry of Defence.

Shri Ravi Shetty for Shri Advocate for the Respondent(s)
R.K.Shetty.

CORAM:

The Hon'ble Shri Smt. L.Swaminathan, Member(J)

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO.

J.Swaminathan
(Smt. L.Swaminathan)
Member(J)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.No.877/93

Shri Ananda Chavan .. Applicant

vs

Union of India
Through Ministry of
Defence .. Respondents.

Coram: Hon'ble Smt. L. Swaminathan, Member (J)

Counsel for the applicant - Shri Denesh Adsule

Counsel for the respondents - Shri Ravi Shetty for
Shri R.K.Shetty

Tribunal's Order

Dated 29-10-93

(Per: Smt. L.Swaminathan,Member(J))

This O.A. had been filed by the applicant for setting aside the impugned order dated 10-3-93 for retiring him on superannuation with effect from 31-10-93 taking into account his date of birth as 2-10-1933. The applicant had submitted to the respondent that his actual date of birth is 3-6-1942, and the records may be corrected accordingly.

2. The learned counsel for the respondents has shown a telegraphic message from CE-SC Pune, to the C.E.(Navy) Bombay dated 23-10-93, in which it is stated as follows:-

"COURT CASE OA 877/93 FILED BY SHRI AB CHAVAN,
LIFT ATTENDANT IN CAT BOMBAY BENCH REGARDING CHANGE OF
DATE OF BIRTH (.) CONCURRENCE FOR CHANGE OF DATE OF
BIRTH OBTAINED FROM EINC'S BRANCH (.) APPRISE
HON'BLE CAT BOMBAY FOR CLOSER OF CASE (.) ISSUE
AMENDMENT OF DATE OF BIRTH IMMEDIATELY (.) INDIVIDUAL
NOT REPEAT NOT TO RETIRE ON 31 OCT. 93"

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3. In view of the above order the learned counsel for the applicant seeks permission to withdraw the case.

4. The application is disposed of as withdrawn with no order as to costs.

Lakshmi Srinivasan
(Smt. L. Swaminathan)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

BOMBAY.

R.P.No. 137/94
in
O.A.No. 877/93.

Dated: 23.11.94

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri A.B. Chavan ... Applicant

versus

Union of India & Ors. ... Respondents

The Respondents in O.A. No. 877/93 have submitted this Review Petition for review of my Order dated 29.10.1993. The Respondents/Petitioner do not depend on the discovery of any new and important material which they were not able to secure and produce inspite of due diligence when the original application came up for hearing and was disposed of. The learned Counsel for the respondents had himself produced the telegraphic message reproduced in para 2 of the Order in which it is stated that the Tribunal may be apprised for closure of the case, as the respondents have concurred for change of date of birth. On this, the learned counsel for the applicant sought permission to withdraw the case which was allowed. The respondents argue in

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the Review Petition that the Tribunal had wrongly recorded in its judgement that the respondents are ready and willing to change the date of birth of the applicant to 3.6.1942. This averment in the Review Petition is factually incorrect.

2. I find that there is no error apparent on the face of the record and there is no good ground for review of the Order. This Review Petition is rejected both on merits and limitation.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (Judicial)