

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

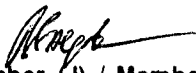
RA 31/95

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 407/94

Hon'ble Vice Chairman / Member (J) / Member (A)

may kindly see the above Judgment for


approval / signature.


V.C. / Member (J) / Member (A) (K/S)

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)


Law P. P. Srinivasava. (A)

From pre-page:

the Memorandum bearing No. F-11/1/62 Goa (1) dated 27-8-1962 etc. His other contention is that he was appointed in terms of Article 63 read with Article 26-A of the Statute of the Overseas Functionaries, therefore, the age of retirement should be considered in accordance with the clause 430 (Chapter VII) of the E.F.U. i.e. ESTATUTO DO FUNCTIONALISMO ULTRAMARINO as per which the age of retirement was 60 years. He has made a representation to the Competent Authority which has been considered by the Respondents and the same was rejected on more than one occasion. Even to change the date of birth, request has also been considered and was rejected. Thereafter, he filed his O.A. The Applicant retired from service with effect from 31-10-1994 and the same is not to be treated as premature. Admittedly, the Applicant is governed by the Central Government rules and respective Pay Commission recommendations have been given effect to.


4. It is not the case of the Applicant that he had given a different date of birth at the time of initial appointment and later made request for a change of the date of birth. We have perused the Review Application and find no merit in it.


5. It is well settled that the Review Applications are not made by way of an Appeal and have to be strictly confined to the scope and ambit of O.47, Rule 1 of C.P.C. The power of review may be exercised in the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the person seeking review or could not be produced by him at the time when the order was made.

From pre-page:

It may be exercised when some matter or error apparent on any of the face of the record is found; it may also be exercised on any analogous ground, but it cannot be exercised on the ground that the decision was erroneous on merits; that would be the preamble of the Court of Appeal. A power of review is not to be confided with the Appellate Court to correct all manners of errors committed by the Tribunal. This is exactly the scenario in the present case. Accordingly, we see no merit in the Review Application.

6. In the result, we are of the view, that neither an error apparent on the face of the record has been pointed out nor any new facts have been brought to our notice calling the review of the judgement. The grounds in the Review Application are more germane for an Appeal against the judgement and not for reviewing the judgement. The Review Application is, therefore, dismissed.


(P.P. Srivastava)
Member (A)


(B.S. Hegde)
Member (J)

ssp.