

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(14)

REVIEW PETITION NO: 56 OF 1996 IN O.A. 1339/94

Signed this, the 4th day of April 1996

CORAM: HON'BLE SHRI M.R.KOLHATKAR, MEMBER(A)

R.K.Bansode

.. Applicant

-versus-

Union of India & Ors.

.. Respondents

O R D E R (BY CIRCULATION)

(Per M.R.Kolhatkar, Member(A))

In this R.P. the original applicant has sought review of my judgment dt. 5-12-1995 dismissing the O.A. The main contention of the review petitioner is that the judgment is perverse because while there are three findings in favour of the applicant there is only one finding against the applicant and the applicant ought to have been granted the relief. The second contention is that the Tribunal failed to consider Sayyed Kamarali's judgment. The third contention is that the applicant has, since the pronouncement of the judgment, been able to locate additional documents relating to his date of birth and this is new material which he could not bring to the notice of the Tribunal inspite of due diligence.

2. I have considered the contentions of the review petitioner. The material point in regard to date of birth is that the evidence as to the date of birth was not filed at the time of entry into service but at the time of ~~the~~ consideration of the applicant's for promotion to the post of Turner. This is evident from a perusal of para 6 and 7 of the judgment. The contention of the applicant that he produced school leaving certificate

15

at the time of recruitment has been rejected at para -8. The finding regarding the O.A. being time barred is recorded in para-5. Regarding the additional record, I am not satisfied that it is a record which could not have been filed by the applicant earlier i.e. before the authorities or before the Tribunal even after exercise of due diligence.

3. I am therefore of the view that no case has been made out for review of my judgment relatable to rule under Order 47 of the CPC. The review petition lacks merit and is dismissed. The same is dismissed by circulation as provided under the rules.

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M.R. Kolhatkar
(M.R. KOLHATKAR)
Member (A)

dt. 4/4/96
order/Judgement despatched
to Applicant/Respondent (s)
on 11.4.96

16/4/96