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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

O.A. No. R.P.No.61/92
in

T.A. No. O.A.No.354/91

Date of Decision: 28-8-92

Sri Sitaram Chandraiah

Petitioner(s)

Mr. V. Venkateswara Rao

Advocate for
the Petitioner(s)

versus
General Manager, S.C.Rly., Rail Nilayam,
Secunderabad and 3 others.

Respondent

Mr. V. Bhimanna, SC for Rlys.

Advocate for
the Respondent
(s)

COR. M:

THE HON'BLE MR. T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1, 2, 4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

NO

T. C. M
(HTCSR)
M(J)

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

Review Petition No.61/92

Date of Order: 28-8-92

in

OA No.354/91

Between

Sri Sitaram Chandraiah

.. Petitioner

and

1. General Manager,
South Central Railway
Rail Nilayam, Secunderabad

2. Divisional Rly. Manager (P)
BG Division
Secunderabad

3. Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad

4. The Inspector of Works(R)
South Central Railway
Vikarabad

.. Respondents

Counsel for the Petitioner

: Sri V. Venkateswara Rao

Counsel for the Respondents

: Sri V. Bhimanna, SC
for Rlys

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Single Member Bench delivered by Hon'ble
Shri T. Chandrasekhara Reddy, Member (Judl.))

This is an application filed under Order 47(1) of CPC and Rule 17 of the Central Administrative Tribunals (Procedures) Rules to review our Judgement dated 24.1.92, passed in OA 354/91. The facts giving rise to this Review Petition in brief, are as follows:

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The Review Petitioner herein had filed OA 354/91 to correct his date of birth from 21.1.1934 to 21.1.1941. After hearing both sides, as per our judgement dated 24.1.92, the said OA 354/91 was dismissed. The Review Petition is filed to review our judgement dated 24.1.92, as indicated above. Along with the Review Petition, a Miscellaneous Application is filed to receive the extract of birth register which is said to relate to the Petitioner. In the ~~affidavit~~ accompanying the MA to receive the said birth extract, it is averred that the Petitioner came into possession of the said birth extract after ~~dismissal~~ dismissal of the OA 354/91, and so, it is the prayer of the ~~xxx~~ petitioner to review the judgement dated 24.1.92 ~~on~~ ^{as evidence} receipt of the said birth extract. It is the case of the Petitioner that the birth extract relates to the Petitioner only as already pointed out.

When a review of a judgement is asked for by a party, the greatest care ought to be exercised by the Tribunals in granting review especially, where the ground of review is the discovery of fresh evidence. It is so easy to the party who lost his case to see what the weak part of his case was and the temptation to try and procure the evidence which will strengthen that weak part and put a different complexion upon that part of the case must be very strong. So, the rule that permits a new enquiry to be granted on the ground of fresh evidence has therefore been fenced ^{with many limitations.} around Thus, a party, asking for review of the judgement must be able to show that there was no remissness on his part in adducing all possible evidence during the regular course of hearing of the OA.

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4. The applicant should have been fully aware that his date of birth had been registered at Daroor Village as he is an employee. No reasons are assigned in the affidavit accompanying the application to receive the said birth extract as evidence for not filing the said birth extract at least at the time of final hearing of the OA. So, in view of the latches on the part of the applicant, we are not prepared to entertain the application that is filed to receive the said birth extract and the same is liable to be rejected and is accordingly rejected. Even for any reason, if the said birth extract, which is the new evidence is received, it is difficult to believe that the said birth extract relates to the applicant (Review Petitioner herein). It is not pleaded in the said application at least how many issues are there to the parents of the Petitioner and how this birth extract relates to the Petitioner. So, even though the birth extract is received now, we are of the opinion, that there cannot be any change in our judgement as already pointed out, as there is no proof to show that the said birth extract pertains to the applicant. Hence, the birth extract that is filed now cannot be received as evidence.

5. The Petitioner in his Review Petition had attacked our judgement on ~~Three~~ ^{Three} grounds.

- i) This Tribunal erred in discarding the certificate issued by the Surpanch of Grampanchayat, Dharur and in not placing reliance on the said certificate for accepting the date of birth of the petitioner.
- ii) This Tribunal also has erred in not placing reliance in the Transfer Certificate issued by the Headmaster Primary School, Dannaram, which contains the date of birth of the Petitioner.
- iii) This Tribunal also has rejected erroneously the

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..(A)

To

1. The General Manager, S.C.Rly,
Railnilayam, Secunderabad.
2. The Divisional Railway Manager (P)
BG Division, Secunderabad.
3. The Chief personnel Officer, S.C.Rly,
Railnilayam, Secunderabad.
4. The Inspector of Works (R) S.C.Rly, Vikarabad.
5. One copy to Mr.V.Venkateswara Rao, Advocate, CAT.Hyd.
6. One copy to Mr.Bhimanna.V. SC for Rlys. CAT.Hyd.
7. One spare copy.

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certificate issued by Sri Anantha Reddy, Teacher of Primary Boys School, Dannaram, dated 10.1.64.

The very same contentions that are made as grounds for seeking review of the Judgement, had been taken as grounds in the main OA. We had negatived all the said contentions for valid reasons mentioned in the judgement and we need not repeat the same reasons for not accepting the said contentions in this Review Petition. Hence, we see no valid grounds at all to review our judgement dated 24.1.92 passed in OA 354/91. By filing a birth extract as new evidence and by raising the very same grounds which he had raised in the main OA, the Petitioner's aim seems to be to obtain an order in his favour, by making the Tribunal to re-hear the OA. That cannot be the scope of a Review Petition. The Petitioner seeking review of our Judgement dated 24.1.92 passed in OA 354/91 should be able to point out any error apparent on the face of the record or some mistake that is committed by the Tribunal which goes to the root of the matter. The Petitioner has utterly failed to point out any such error apparent on the face of the record. If the Petitioner is aggrieved of our judgement dated 24.1.92 passed in OA 354/91, the remedy of the Petitioner lies by way of an appeal to the Hon'ble Supreme Court. We see no merits in this Review Petition and this Review Petition is liable to be rejected and is accordingly rejected.

T. C. —————
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 28/5 August, 1992

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SS/992
Deputy Registrar (J.D.)

TYPED BY 3 COMPARED BY
CHECKED BY 3 APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 28 - 8 - 1992

ORDER / JUDGMENT

R.A./C.A./M.A. No

6192

in

O.A. No.

354/91

T.A. No.

T.W.P. No.

Admitted and interim directions
issued

Allowed.

Disposed of with directions

RP

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

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