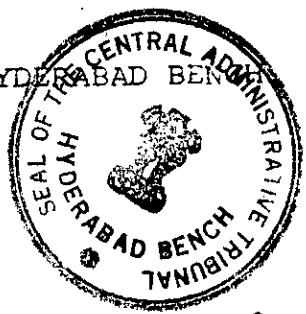


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD



Review Petition No. 38/92.

Date of Order: 30-3-92

in

Original Application No. 504/91

Between

Sri M. Sudarsanam

.. Petitioner

A N D

1. The Accountant General (A&E)
AP, Hyderabad

2. The Comptroller & Auditor General
of India, New Delhi .. Respondents

Counsel for the Petitioner: Sri C. Suryanarayana

Counsel for the Respondents: Sri G. Parameswara Rao

CORAM:

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

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

This Review Petition is filed by the Petitioner
herein under Section 22(3)(f) of the Administrative Tribunal
Act, read with Rule 17 of the CAT Procedures Rules, 1987
to review the judgement dated 2.1.92 in OA 504/91. We
had dismissed the said OA 504/91.

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also given other reasons in our judgement in not giving the relief to the applicant as prayed for by him. As a matter of fact, we have made a comment about the enormous delay of the applicant in approaching the competent authority for correction of date of birth at page 9 of the judgement.

The very same points that were argued in the OA are again sought to be argued in this Review Petition. It is not open to the applicant to point out some errors even though we do not find any such errors. The aim of the applicant appears to be to point out some error even though there is none and to make the entire case, re-opened and re-heard. That cannot be the scope of the Review Petition. Hence, we see no grounds to interfere with our judgement, dated 2.1.92 passed in OA.504/91. Hence, this Review Petition is liable to be dismissed and is accordingly dismissed. In the circumstances of the case we make no order as to costs.

CERTIFIED TO BE TRUE COPY


Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

To

1. The Accountant General (A&E) A.P.Hyderabad.
2. The Comptroller & Auditor General, of India, New Delhi.
3. One copy to Mr.C.Suryanarayana, Advocate, CAT Hyd.
4. One copy to Mr.G.Parameswara Rao, SC for AG.CAT.Hyd.
5. One spare copy.

We have observed in our Judgement that the photostat copy of the birth extract attached at Annexure A-1 to the OA is not admissible unless proved to be genuine. The applicant has now filed along with the Review Petition an extract of the Registrar of Birth which is said to be original of the photostat copy of the birth extract referred to in our judgement. Eventhough original birth extract has been filed now, even taking for arguments sake that the said birth extract is a genuine one, the applicant has to prove beyond doubt that the said birth extract filed before us in this Review Petition relates to the applicant. We are not at all satisfied that the said birth extract filed before us along with the Review Petition relates to the applicant. No doubt an affidavit of one Sri Morampudi Nageswara Rao who is said to be the cousin of the Petitioner herein and also another affidavit of one Smt Samrajyamma who is the sister of the applicant herein are filed in this RP and they are relied upon by the Learned counsel for the applicant.

In both the affidavits, the age of the applicant is mentioned as 53 years. As the said Smt Samrajyamma and Sri M.Nageswara Rao are the close relatives of the applicant, no credence can be given to their sworn affidavits with regard to the age of the applicant. The said affidavits do not advance the case of the petitioner any way to show that his correct date of birth is 6.8.1935.

Based on the affidavits that are filed, we are not prepared to place any reliance on the said affidavits as the persons that have sworn the said affidavits are closely related to the applicant and they might not have correctly stated the age of the applicant and as well as that of family members. Thus, as already pointed out, there is no proof to show that the birth extract relates to the applicant. We have

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also given other reasons in our judgement in not giving the relief to the applicant as prayed for by him. As a matter of fact, we have made a comment about the enormous delay of the applicant in approaching the competent authority for correction of date of birth at page 9 of the judgement.

The very same points that were argued in the OA are again sought to be argued in this Review Petition. It is not open to the applicant to point out some errors even though we do not find any such errors. The aim of the applicant appears to be ^{to} point out some error even though there is none and to make the entire case, re-opened and re-heard. That cannot be the scope of the Review Petition. Hence, we see no grounds to interfere with our judgement, dated 2.1.92 passed in OA.504/91. Hence, this Review Petition is liable to be dismissed and is accordingly dismissed. In the circumstances of the case we make no order as to costs.

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