

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

R.A.NO.23/1996
in
O.A.NO. 562/92

Date of order: 21.6.96.

S.N.Khandelwal

: Review-petitioner

vs.

Union of India and another : Respondents

O R D E R

RATAN PRAKASH, MEMBER (JUDICIAL)

The review-petitioner Shri S.N.Khandelwal has filed this review petition under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 aggrieved by the impugned order dated 19.4.96 whereby the OA filed by the review-petitioner has been rejected. In the OA he has sought revision of his Pension Payment Order (for short, 'PPO') alleging that the Pension Payment Order dated 21.4.1992 issued by the respondents has been wrongly computed. In the OA he also sought a direction to the respondents to issue in favour of the applicant the revised PPO treating his date of retirement to be 28.2.1991 and not 28.2.1990 as shown in the impugned PPO dated 21.4.1992 (Annex.A-1).

2. The only ground on which this review petition has been filed by the petitioner is that the Tribunal has committed an error apparent on the face of record by giving a finding based on an assumption that the representation made by the petitioner on 28.5.1980 for correction of his date of birth was rejected by

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the respondents on 7.5.1980 which could not have been the situation as the representation itself was made on 28.5.1980.

3. I have given anxious thought to the ground on which this review petition has been filed by the review petitioner. It appears that the review petitioner has not gone through the order dated 19.4.1996 whereby his OA No.562/92 was rejected. While assessing the evidence it has been explicitly stated in para 8 of the order that the applicant review petitioner here first made his representation on 10.3.1980 and subsequently on 28.5.1980. In both these representations the review petitioner has requested for the change of his date of birth from 22.2.1992 to 30.1.1993. His request made in this regard to the State Government as early as on 10.3.1980 was explicitly rejected by the respondents vide communication dated 11.4.1980 (Annex.R-1) and thereafter also on 7.5.1980 vide Annexure R-2. It is in this background that it was observed in para 8 of the order that:

"The applicant has not moved any competent Court/Tribunal to seek correction in the date of birth even though his request made in this regard to the State Government as early as on 10.3.1980 and thereafter on 28.5.1980 was explicitly rejected by the respondents vide communications dated 11.4.80 (Annex.R-1) and 7.5.1980 (Annexure R-2)."

4. In the above sentence the reference to his first representation dated 10.3.1980 about which a communication of the respondents dated 11.4.1980 (Annex.R-1) and subsequently to that of 7.5.1980 (Annex.R-2); has been made. A mention of the date

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28.5.1980 in the above reproduced sentence is only to emphasize that the applicant has reiterated his request made earlier by him in his first representation dated 10.3.1980. It never meant that vide communication dated 7.5.1980 (Annex.R-2) the respondents rejected the applicant's (review-petitioner's) representation dated 28.5.1980. Accordingly, the ground raised by the review-petitioner that his representation dated 28.5.1980 was rejected by the respondents vide their communication dated 7.5.1980 (Annex.R-2) is mis-placed and the communication dated 7.5.1980 has been explicitly in respect of his first representation dated 10.3.1980. In any view of the matter, it cannot be termed as an error apparent on the face of the record if the whole of the impugned order dated 19.4.1996 rejecting the applicant's OA is read in the correct perspective and the analysis made therein.

5. Moreover it is also the settled law that a Reviewing Court cannot re-appreciate the evidence as it would amount to over-stepping its jurisdiction to review its own order. This principle of law has recently been laid down by Hon'ble the Supreme Court in the case of Smt. Meera Bhanja Vs. Smt. Nirmala Kumari Choudhary, 1994(4)SCALE 985. The review petitioner has been unable to make out any of the three situations enlisted under Order XLVII Rule 1 CPC for reviewing its own order by a Tribunal/Court.

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6. For all the reasons mentioned above, this review petition has no substance and is hereby rejected. By circulation.



(RATAN PRAKASH)
MEMBER (J)