

**Central Administrative Tribunal  
Jabalpur Bench**

**Review Application No.30/2006  
In OA No.60/2005**

Jabalpur, this the <sup>18<sup>th</sup></sup> day of April 2007.

**CORAM**

Hon'ble Dr.G.C.Srivastava, Vice Chairman

Hon'ble Mr.A.K.Gaur, Judicial Member

1. Union of India through the Secretary  
Ministry of Defence  
Govt. of India  
New Delhi.

2. General Manager  
Ordnance Factory  
Khumaria  
Jabalpur.

Review Applicants

(By advocate Shri B.Da Silava)

Versus.

Kailash Kumar Upadhyay  
S/o Shri S.R.Upadhyay  
Working at present in Distt.  
Commanding Home Guard  
Darikhana, Jabalpur.  
R/o Village-Kudari-Umariya  
P.O.Umariya, P.S.Barela  
Dist. Jabalpur (M.P.)  
(By advocate Shri S.Gangulay)

Respondent

**ORDER**


**By A.K.Gaur, Judicial Member**

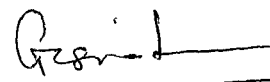
This Review Application has been filed by the respondents in OA No.60/2005 for review of the order of the Tribunal dated 29th September 2005 in the aforesaid OA. The Tribunal vide its order dated 29<sup>th</sup> September 2005 declared the applicant in the OA to be within the prescribed age limit for the post of-Darwan. The review applicants allege that the age relaxation was granted to the applicant relying upon the communication dated 24.2.1987 issued by the State of Madhya Pradesh. According to them, the above communication does not cover selection of appointment to a civil post under the Union of India and the rules do not provide for any relaxation for

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candidates who have rendered services for State Governments. Thus the Tribunal had erred in granting age relaxation to the applicant in the aforesaid OA. The applicant was over aged on the date of submission of application form i.e. 5.2.2004 and the circular did not apply in his case and therefore the order of the Tribunal, according to the respondents in the OA, suffers from an error apparent on the face of record.

2. We have perused the order under review and find that there was no illegality or error apparent on the face of record. The applicant in the OA was declared to be within the prescribed age limit for selection to the post of Darwan on the basis of his date of birth i.e. 27.6.1975 as per certificate issued by the Education Board of Madhya Pradesh and after excluding the period of 6 years 6 months rendered by him in the Home Guard Department. Moreover the plea raised in the RA was not raised before. A new plea cannot be entertained at a review stage. There is no apparent error on the face of record and the order of the Tribunal does not call for any review. Accordingly the review application is dismissed.

  
(A.K. Gaur)  
Judicial Member  
aa.

  
(Dr. G.C. Srivastava)  
Vice Chairman

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पत्तिलिपि अवधि:-

(1) अधिक, उच्च न्यायालय बार एसोसिएशन, जबलपुर

(2) आवेदक श्री/श्रीमती/कु.....के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल

(4) बंजपाल, डी.प्र.अ., जबलपुर न्यायाधीश  
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Shri B. Dasirna Adv. JBP.  
Shri S. Ganguly Adv. JBP.

JBs  
02/04/07