

Central Administrative Tribunal
Jabalpur Bench

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

Jabalpur, this the 18th 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
Khmaria
Jabalpur.

(By advocate Shri B.Da Silava)

Versus.

Review Applicants

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

O R D E R

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 29th 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

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.

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(A.K.Gaur)
Judicial Member
aa.

Gaur
(Dr.G.C.Srivastava)
Vice Chairman

पूछांकन सं. ओ/व्या.....जबलपुर, दि.....

प्रतिलिपि अवैधितिः—

- (1) अधिक, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/वडु.....के काउंसल
- (3) प्रत्यार्थी श्री/श्रीमती/वडु.....के काउंसल
- (4) क्षेत्रपाल, दीप्तिअ., जबलपुर न्यायमीठ

सूचना एवं आवश्यक कार्यकारी हेतु—

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उप रजिस्ट्रर

Shri B. Dasilva Adv. J.B.P.
Shri S. Ganguly Adv. J.B.P.

BBP
02/21/2017