

4

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.NO.306/2003
M.A.NO.2229/2003
C.P.NO.379/2003
IN
O.A.NO.791/2002

Monday, this the 19th day of January, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A. Singh, Member (A)

1. Chief Secretary,
Delhi Secretariat,
IP Estate, New Delhi.
2. Secretary-cum-Director (Employment),
2, Battery Lane,
Delhi.
3. Mrs. Manju Karmeshu,
Employment Market Information Office,
PUSA, New Delhi-110012.

Review applicants

(By Advocate: Shri Ajesh Luthra)

Versus

Shri Banarsi Lal,
E-5/35, DDA Flats,
Nand Nagri, Delhi-110093.

...Respondent/Applicant in OA

(By Advocate: Shri S.N. Anand)

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

One Shri Banarsi Lal (applicant) had filed OA 791/2002, which was disposed of by this Tribunal on 01.10.2002 wherein respondents were directed that since the applicant had rendered 35 years of service and that the period of unauthorised absence was only of 8 days for which he had submitted medical certificate, they may consider imposing punishment of compulsory retirement on the applicant therein instead of removal from service.

VS Ag

2. Alongwith the Review Application, a Miscellaneous Application No. 2229/2003, has been filed for condonation of delay in filing the R.A. It has been pointed that the order was passed on 01.10.2002, which was received in the Department on 18.11.2002. Since then, the matter has been under active consideration. However, on 01.10.2003 was decided that a Review Petition may be filed before the Tribunal. In the circumstances, it is claimed that the delay in filing the Review Application may be condoned. Applicant has even filed a contempt petition for implementation of the directions of this Tribunal.

3. We have considered these petitions and the same are being disposed of together by this common order.

4. Admittedly, thirty days period is the time prescribed for filing the Review Application seeking review of an order. There is no doubt that it is barred by limitation. Learned counsel for the review applicants has contended that justice should not be defeated only on the ground of delay in filing the Review Application.

5. We find difficult to accept the contention. The merits can^{not} be decided before considering the period of limitation. Law of limitation, in fact, has been enacted to ensure that stale claims are not raised. The limitation period has been prescribed with the sole purpose that the applications are filed in the


18 Ag


Tribunal/Court without any delay and the rights of parties are settled.

6. Merely because the department has examined the case of the applicant/respondents and have taken long time once again, in our opinion, cannot be taken as a ground for condonation of delay. Delay ~~of each day~~ must be explained. If this is accepted in that case the examination of a case may continue for an indefinite period.

7. Therefore, R.A. 306/2003 along with the M.A. for condonation of delay are dismissed.

8. Keeping in view that we have also dismissed the review application only today, we direct the respondents to comply with the direction preferably within four months from today. Contempt petition is also ~~dismissed~~ ^{disposed of.}


(S. A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/kdr/