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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA NO. 47/2004 IN
OA NO. 2317/2002

This the 1st day of June, 2004

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HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A. SINGH, MEMBER (A)

1. All India CPWD (MRM) Karamchari Sangathan (Regd.)
through its President,
Sh. Satish Kumar,
4823, Balbir Nagar Extn.,
Gali No.13,
Shahdara, Delhi-31.
2. Sher Singh
S/o Sh. Hukum Singh,
Assistant Plumber,
C/o All India CPWD (MRM) Karamchari Sangathan (Regd.)
through its President,
Sh. Satish Kumar,
4823, Balbir Nagar Extn.,
Gali No.13,
Shahdara, Delhi-31.

(By Advocate: Ms. Mala Kapoor proxy for
Sh. Naresh Kaushik)

Versus

1. Union of India
through its Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. The Director General (Works),
CPWD, Nirman Bhawan,
New Delhi.
3. The Superintending Engineer (Elect.),
Elect. Co-ordination Circle,
CPWD, R.K.Puram,
New Delhi.
4. The Executive Engineer,
P.W.D.Dvn.IV,
Hauz Khas Police Colony,
I.I.T. Gate,
New Delhi-110016.

(By Advocate: Sh. George Paracken)

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O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This is a review application filed by the applicants whereby they are seeking review of the order passed by this Tribunal in OA-2317/2002.

2. Applicant had filed the OA seeking regularisation against the post of Plumber with the respondents. The Tribunal after hearing the parties dismissed the OA. Applicant then preferred a CWP against this OA but the CWP was dismissed with the following order:-

"After some hearing Mr. Naresh Kaushik, learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to move review application before Tribunal. The writ petition is accordingly dismissed as withdrawn with liberty as prayed."

3. Thereafter taking the benefit of the liberty granted by the Court the applicant filed the present review application. Respondents had taken an objection that review petition is not maintainable as the same has been filed with a considerable delay. So being barred by limitation, the same is liable to be dismissed.

4. Applicant, however, referred to an application filed under Section 5 of the Limitation Act seeking condonation of delay. In this regard, we may mention that the OA was dismissed on 14.5.2003. Applicant could have filed review application within 30 days of the date of passing of the orders or from receipt of the copy of the order. But since the applicant preferred to file a CWP against the order but the said CWP was dismissed from 20.10.2003. However, the present review

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application has been filed on 20.1.2004. Thus, it has been filed beyond 30 days of passing of the order by the Hon'ble High Court in CWP.


5. Now coming to the reasons given for condonation of delay under Section of Limitation Act, we may mention that the applicant had simply stated that applicant is filing the review application after the passing of the order by the Hon'ble High Court on the writ petition and the applicant had tried to draft and file present application as early as possible. It is further stated that delay of days has taken place in filing this review petition. We may mention that in para 3 where this delay is mentioned, a blank (applicant being himself not sure about the number of days of delay) has been left. Probably applicant intended to mention the number of days which had taken place in filing the review petition and then in the next para applicant stated that said delay is neither intentional nor deliberate on the part of the applicant. No reason has been given as to why the delay for a particular number of days has taken place in filing the review application. So on the face of it the application is barred by time, the same has to be dismissed being barred by time.

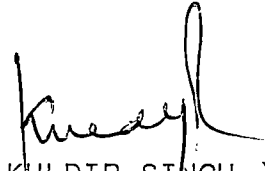
6. Even on merits we find that the applicant had mentioned that applicant was initially appointed as Plumber Counsel for applicant referred to page 34 and 36 of the OA and submitted that the Court had observed in the order that there is nothing on record to show that applicant was appointed as Plumber. But the document at page 30 of the OA shows that the applicant had joined as Plumber on muster roll on 12.8.86. However, to our mind this is not a case of applicant joining as Plumber but he had joined as an Assistant Plumber which category had

been continued to be mentioned as Plumber and this fact finds mention in the judgment itself in para 3. So it cannot be said that this aspect is not considered.

7. Applicant further submitted that the award given by Sh. M.G.Wanare, Umpire which categorically stated that award covers only those industrial workers who are work chageman and muster roll employees as a CPWD workman or industrial workman. On the contrary, learned counsel for respondents pointed out that this award applied to only those employees who had joined after 1.4.81. Applicants who had joined after 1.4.81 are not governed by the award and this fact has been discussed in para 5 of the order under review. Thus there is no omission on the part of the Court which may be said to be apparent on the face of the record.

8. In view of these facts, we find that there is no error apparent on the record even on merits. So RA is not maintainable, the same is dismissed.


(S.A. SINGH)
Member (A)


(KULDIP SINGH)
Member (U)

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