

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD**

This the 5th day of December, 2019

**Hon'ble Mr. Justice Bharat Bhushan, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

**Review Application No. 330/00043/2019 in
Original Application No.330/00653/2011**

Dr. R.R. Rana, Specialist Medical Officer, Gr. I (Gynecologist),
Ordnance Factory Hospital, Armapur, Kanpur

1/1 Dr.Smt. Raj Chandra Lekha

Applicant

By Advocate: Sri K.P.Singh

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, Department of Defence Production & Supplies, South Block, New Delhi.
2. Under Secretary, Ministry of Defence, Govt. of India, Department of Defence Production & Supplies, Sena Bhawan, New Delhi.
3. The Chairman, Ordnance Factory Board, 10 A, Government of India, Ministry of Defence, 10-A, Shaheed K. Base Road, Kolkatta-700001.
4. Sr. General Manager, Ordnance Factory Kanpur (OFC), Ministry of Defence, Kalpi Road, Kanpur.
5. Dr. R.S. Verma, Personnel No. 982008, Chief Medical officer (Retired), OFC, Kanpur through Sr. General Manager, Ordnance Factory, Kanpur (OFC), Ministry of Defence, Kalpi Road, Kanpur.
6. Dr. N.S. Chauhan, Chief Medical officer, Ordinance Factory Hospital, Ordinance Factory Muradnagar, Ghaziabad, U.P.
7. Sri N.K. Varshney, General Manager, Ordnance Clothing Factory, Avadi, Chennai.

Respondents

By Advocate: Sri Abhinav Tripathi

ORDER (Under Circulation)

HON'BLE MR. JUSTICE BHARAT BHUSHAN, MEMBER (J)

This Review Application No. 330/00043/2019 has
been filed by applicant in Original Application No.

330/00653/2011 (Dr. R.R. Rana substituted by Dr. Smt. Raj Chandra Lekha Vs. Union of India and other) along with delay condonation application No. 330/02438/2019 against the dismissal judgment dated 29.8.2019 passed by Division bench of this Tribunal in the aforesaid O.A.

2. This order is under challenge under this Review Application on behalf of applicant.

3. This review application has been filed with delay and therefore, a delay condonation application No. 2438/2019 has also been moved on behalf of the applicant. The matter of condonation of delay of review application came up before the Full Bench of Hon'ble Andhra Pradesh High Court in the case of **G.Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and others -2005(4) SLR 720.** The matter was also examined by the Full Bench with reference to Section 22(3)(f) of the AT Act, 1985 and other relevant provisions of the CAT (Procedure) Rules, provisions of the Limitation Act etc. and it is held that **"a Tribunal has no jurisdiction to condone the delay in filing the Review Application."** It was laid down that the Tribunal will not have jurisdiction to condone the delay by taking aid and assistance of either sub section (3) of Section 21 of the Act or Section 29(2) of the Limitation Act. It may be mentioned here that provisions of Rule 19 of A.P. Administrative Tribunal (Procedure) Rules, 1989 which are similar to above Rule 17(1) of CAT (Procedure) Rules, 1987 were also considered. Relevant part of this judgment is as under:-

" No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed."

4. Right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted without any limitation then no decision would be final because the decision would be subject to review at any time at the instance of the party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case for all times to come. Therefore, the public policy demands that there should be an end to legal cases.

5. There is no provision in the Administrative Tribunals Act, 1985 to condone the delay beyond the period of thirty days in filing the Review Application. Moreover, it is well settled position by the Apex Court decision **in K. Ajit Babu and others Vs. Union of India and others reported in (1997) 6 SCC, 473** that the delay in filing the review application cannot be condoned. The Apex Court in that case observed:-

".....The right of review is possible only on limited grounds, mentioned in Order 47 of these Code of Civil Procedure. Although strictly speaking the Order 47 of the Code of Civil Procedure may not be applicable to the tribunals but the principles contained therein surely have to extended. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision. Besides that, the right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of party feeling adversely affected by the said decision. A party in whose favour a decision has been given can not monitor the case for all times to come. Public policy demands that there should been to law suits and if the view of the tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the aggrieved persons on restricted ground mentioned in

Order 47 of the Code of Civil Procedure if filed within the period of limitation.”

6. It is therefore, evident that delay has vitiated this review application and delay cannot be condoned by this Tribunal. Accordingly, delay condonation application No. 330/02438/2019 in filing review Application No. 330/00043/2019 is liable to be rejected.

7. It is pertinent to point out that this review application itself is also legally not sustainable for the simple reason that original judgment contains all the relevant arguments advanced on behalf of the applicant. A detailed order containing reasons was passed. Scope of Reviews is very limited. The Hon’ble Apex Court in the case of **Meera Bhanja vs. Nirmala Kumari Choudhury reported in (1995) 1 SCC 170**, has observed that review proceedings cannot be considered by way of an appeal and have to be strictly construed to the scope and ambit of Order 47 Rule 1 of CPC and review petition is required to be entertained only on the ground of error apparent on the face of record. The Hon’ble Apex Court has also been pleased to observe that while deciding the review, the matter cannot be re-apprised and only typographical error apparent on record can be reviewed.

8. Therefore, the review application is not maintainable on account of delay occurred in filing the same. Accordingly Misc. Application No. 330/02438/2019 for condonation of delay is dismissed. Consequently, Review Application No. 330/00043/2019 is also dismissed. No order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice Bharat Bhushan)
Member (J)

HLS/-

