

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH

Miscellaneous Application No. 3855 of 2019

in

Review Application No. 202 of 2019

in

Original Application No. 3764 of 2015

New Delhi, this the 7th day of January, 2020

CORAM:

Hon'ble Mr. Pradeep Kumar, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Union of India,
Through:
The Secretary, Government of India,
Department of Personnel and Training,
North Block, New Delhi.

..... **Review
Applicant**

(By Advocate : Mr. V.S.R. Krishna)

V e r s u s

Shri C.D. Toura, R/o. A-403, Swami Dayanand
Apartments, Sector-6, Plot No. 5, Dwarka,
New Delhi – 75.

..... **Respondent**

O R D E R (In circulation)

Per: Ashish Kalia, Judicial Member -

The review application had been filed by the respondent in OA No. 3764 of 2015 along with this MA No. 3855 of 2019 seeking condonation of delay of 70 days. 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 & Ors. v. Union of India & Ors.* - (1997) 6 SCC 473 that the delay in filing review application cannot be condoned.

The Apex Court in that case observed:

“.....The right of review is not a right of appeal where all questions decided are open to challenge. 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 certainly 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 is filed within the period of limitation.”

2. Therefore, the review application is not maintainable on account of delay occurred in filing the same. Accordingly, the MA No. 3855 of 2019 for condonation of delay is dismissed. Consequently, RA No. 202 of 2019 is also dismissed. No order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(PRADEEP KUMAR)
ADMINISTRATIVE MEMBER

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