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Central Administrative Tribunal
Principal Bench, New Delhi.

RA - 69/2003
in
OA-562/2001
and
RA-290/2002

New Delhi this the 8th day of October, 2004.

Hon'ble Shri V.K. Majotra, Vice-Chairman(A)
Hon'ble Shri Shanker Raju, Member(J)

Sh. I.S. Sharma

Applicant

(through Sh. S.K. Gupta, Advocate)

Versus

Govt. of NCT of Delhi & Ors.

Respondents

(through Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat and
Shri Vijay Pandita, Advocate)

O R D E R

Hon'ble Shri Shanker Raju, Member(J)

This RA has been filed by the respondents against the orders dated 25.9.2002 passed in OA-562/2001 and 31.12.2002 in RA-290/2002.

2. By an order dated 25.9.2002, OA-562/2001 was disposed of along with two other OAs by a common order with a direction to the respondents to hold review DPC for promotion to the post of ADOs (Fire) for vacancies arising yearwise, in accordance with relevant rules and instructions and in the event applicants are found fit, they be accorded all consequential benefits. The aforesaid decision was carried before the Hon'ble High

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Court of Delhi in CWP-208/2003. By an order dated 8.1.2003, Hon'ble High Court accorded liberty to the applicants on withdrawal of the petition to approach the Tribunal for clarification of certain doubts.

3. Applicant in OA-562/2001, filed RA-290/2002 on the ground that while allowing the OA, certain more directions regarding reconsideration of the applicant (s) for the post of Divisional Officers (Fire) were also directed. As this has been an inadvertent typographical error, para-5 of order dated 25.9.2002 was modified vide order dated 31.12.2002.

4. No Writ Petition has been preferred against the order passed in RA filed by the respondents in OA.

5. The present RA is directed against the original order and the order passed in review application on the ground that once in the light of OA-491/2000 decided on 29.3.2001 this Tribunal has upheld the promotions under amended recruitment rules and considered yearwise vacancies for the post of Divisional Officer (Fire) with all the 17 posts as per the amended rules for the year 1998-1999 have been filled up, the modified directions be deleted.

6. Review applicants contend that in the light of the order passed by the Hon'ble High Court on 8.1.2003, they had been granted liberty to seek clarification. Accordingly, the present RA.

7. Shri S.K. Gupta, learned counsel for applicants placed reliance on the following decision of the Apex Court to contend that the RA is time barred and the review sought is not within the ambit of Section 22(3)(f) of the Administrative Tribunals Act, 1985:-

1. *U.O.I. Vs. Tarit Ranjan Das* (2003(11)SCC 658)

2. *Meera Bhanja (Smt) Vs. Nirmala Kumar Choudhury (Smt)*
(1995(1) SCC 170)

8. We have carefully gone through the rival contentions of the parties. In our considered view though the Tribunal is empowered to condone the delay in preferring review application but this power cannot be exercised *suo moto* unless a request to this effect is made by the contending party. As the original order passed in OA is dated 25.9.2002 and the modification in RA-290/2002 is dated 31.12.2002, filing of the present RA on 5.2.2003 is beyond limitation and for want of any application for condonation of delay, in our considered view, the order passed by the Hon'ble High Court, where only the original order dated 25.9.2002 was in question, the liberty has been sought to clarify certain doubts, which cannot be done by way of review. Moreover, liberty accorded shall have to be in consonance with the rules.

9. In the result, as we find that the review has been filed beyond stipulated period of one month, the same is not maintainable and is dismissed as barred by limitation. No costs.

S. Raju
(Shanker Raju)
Member(J)

3/10/2004

/vv/

V.K. Majotra
8/10/04
(V.K. Majotra)
Vice-Chairman(A)