

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 158/2002 In  
MA 1432/2002  
OA 137/1999

New Delhi this the 26th day of August, 2002

Hon'ble Mr. V.K. Majotra, Member (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Parmanand  
S/o Shri Lalmani  
R/o 6/500, Trilok Puri,  
New Delhi.

..Review Applicant

By Advocate: Shri M.K. Bhardwaj.

Versus

1. Union of India  
Through the Director General,  
Directorate General of Foreign Trade,  
(Ministry of Commerce)  
Udyog Bhawan,  
New Delhi.
2. The Joint Director General,  
Office of the Joint Director General  
of Foreign Trade  
(Ministry of Commerce)  
South East Wing,  
New Marine Lines,  
Church Gate,  
Mumbai.
3. Central Employment Exchange,  
M/o Labour (DGE&T)  
Jam Nagar House,  
Shahjahan Road,  
New Delhi.
4. Directorate of Employment,  
Employment Exchange Chhatra Marg,  
University of Delhi,  
Delhi.

..Respondents

ORDER (ORAL)

Hon'ble Mr. Kuldip Singh, Member (J)

The applicant has filed this Review Application for review of the order dated 1.2.99. The RA has been filed on 6.6.2002, which is a highly belated one. Along with this RA, the review applicant has also filed an MA seeking condonation of

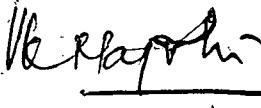
of delay.

2. In the application seeking condonation of delay the review applicant has given the reason that when his OA 137/99 was dismissed his counsel had given an impression that he had filed an RA before this Tribunal. Ultimately the applicant learnt that no RA had been filed but another OA was filed by his earlier counsel which was dismissed on the ground of res judicata. But while dismissing the OA the court had observed that the applicant has a remedy by way of review and even when the second OA 528/99 was dismissed then also his counsel did not inform the applicant about his true position and kept on telling that the OA was still pending and it is only after contacting the present counsel that he came to know the true facts and ~~has~~ filed the present RA.

3. We have heard the learned counsel for the applicant.

4. The reason as given by the Review applicant in his RA as well <sup>as</sup> in his MA for condoning the delay has no merits because it is the applicant himself who preferred another OA instead of filing the RA. It cannot be accepted that the OA was filed under his signatures and now the applicant cannot take a plea that his earlier counsel had given him a wrong impression that he had filed an RA but, in fact, has filed an OA. The applicant in his wisdom has chosen a lawyer of his choice who had taken up a wrong remedy and had allowed time to run out for filing the RA. Thus, we are of the considered opinion that the RA being highly barred by time so the plea with regard to condonation of delay cannot be accepted. The MA 1432/2002 filed for condoning the delay in filing the RA is dismissed. Accordingly, RA 158/2002 is also dismissed in limine.

  
(Kuldip Singh)  
Member (J)

  
(V.K. Majotra)  
Member (A)

Rakesh