

Central Administrative Tribunal
Principal Bench.

R.A. No. 315/95 &
M.A. No. 2911/95 in
D.A. No. 1634/94

...

New Delhi, this the 30th day of Nov., 1995

Hon'ble Shri B.K. Singh, Member (A)

Smt. Usha Sharma
r/o F-6/5, Model Town,
Delhi.

..Review applicant

(By Shri Ram Pal Sharma, Advocate)

Versus

1. Government of N.C.T. of Delhi,
through the Chief Secretary,
5, Alipur Road,
Delhi.
2. Director of Education,
N.C.T. of Delhi,
Old Sectt., Delhi.
3. Director of Vigilance,
Govt. of N.C.T., Delhi
Old Sectt., Delhi.

..Respondents

ORDER (By circulation)

delivered by Hon'ble Shri B.K. Singh, Member (A)

This R.A. No. 315/95 has been filed alongwith M.A. No. 2911/95 for condonation of delay. C.C.P. No. 210/95 has been filed and is pending before the Court No. 2 and the alleged contemners have already been served with notice to show cause on 20.12.1995.

. The review application under Section 17(i)

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of the C.A.T. (Procedure) Rules, 1987 has to be filed within 30 days from the date of the judgement. It is admitted that the certified copy of the order was received on 2.8.1995 by the department. The review applicant has stated that registered letter was despatched to him but the date of receipt by the applicant is not indicated. The grounds taken for condonation of delay are vague and cryptic and exemption cannot be granted from the law of limitation as prescribed under Section 17(i) of the C.A.T. (Procedure) Rules, 1987. Section 17(i) of the C.A.T. (Procedure) Rules, 1987 lays down that "no petition for review shall be entertained unless it is filed within 30 days from the date of the order of which the review is sought". For seeking exemption, the review applicant is required to give grounds which are substantial and reasonable.

I also do not find any ambiguity in the order. When a C.C.P. is already pending, there cannot be another review petition particularly when the judgement was delivered on 24.7.1995 and this review application has been filed on 9.11.1995 i.e. after a lapse of practically 3½ months. During the course of hearing, the alleged contemnners will give reply regarding the compliance of the order, if any. If the Tribunal comes to the conclusion that the orders have been substantially complied with or compliance is in conformity with the orders that would be the end of the matter. If, however,

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the Tribunal comes to the conclusion that there is willful defiance of the orders the alleged contemnors will be hauled up for contempt. The decision of the court in C.P. would be final in regard to both compliance or non-compliance and also regarding ^{of the} ~~int~~ interpretation / order so made. The M.A. and the review application both are not maintainable and are summarily rejected.


(B.K. SINGH)
Member (A)

Anka/