

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA No.346 of 1994

in

OA No.1582 of 1994.

New Delhi this the 21st day of Oct., 1994.
HON'BLE MR JUSTICE S.K.DHAR, VICE CHAIRMAN
HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A)

Shri Harpal Singh
R/O A-39, Vivek Vihar, Shahadra,
Delhi-95.

.....Petitioner.

vs.

1. The Development Commissioner Delhi National Capital Territory Delhi 5/9 Under Hill Road Delhi.
 2. The Deputy Conservator of Forests, National Capital Territory of Delhi Kamla Nehra Ridge, Delhi.
- Respondents.

ORDER (By circulation)

(delivered by Hon'ble B.N.Dhoundiyal, MA)

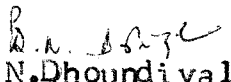
In this review petition, the applicant seeks recall of the order of this Tribunal dated 18.8.1994 in OA No.1582 of 1994. The services of the applicant had been terminated on the ground that he was declared medically unfit by a memo. dated 18.07.1991. He filed a case before the Labour Court but later on withdrew it and filed a O.A. in this Tribunal on 9.08.1994. This Tribunal rejected his application for condonation of delay on the ground that the prayer therein was that the order dated 18.07.1991 terminating his services may be quashed, while the O.A. was filed on 9.8.1994. The Tribunal did not find any cogent reason for condoning the delay. The review-petitioner contends that the delay in filing the said O.A. was not intentional but was bonafide based on the advice rendered by the petitioner's counsel which is tenable under Sections 5 and 17 of the Limitation Act, 1963.


B.N.

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2. Section 5 of the Limitation Act enables the Court to admit an application after the prescribed period if the appellant or the applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making an application within such period. The explanation to this Section provides that the fact that the appellant or the applicant was misled by any order, direction or judgment of the High Court in ascertaining or computing the prescribed period may be a sufficient cause within the meaning of this Section. It is not the case of the review petitioner that his case is covered under explanation to Section 5. He failed to satisfy the Tribunal that he had sufficient cause for not filing the O.A. within the prescribed period. Section 17 of the Limitation Act refers to the act of fraud or mistake. This Tribunal was not satisfied that a bonafide mistake had occurred in this case.

3. In view of above discussions, we do not find any merit in the above review petition, which is hereby dismissed.


(B.N.Dhoundiyal)
Member(A)


(S.K.Dhaon)
Acting Chairman.

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