

Central Administrative Tribunal
Principal Bench: New Delhi

R.A.No.14/95,

M.P.71/95 in

O.A.No.925/94

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New Delhi, this the 11th day of January, 1995

Hon'ble Shri J.P. Sharma, Member(J)

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

Shri P.K. Aggarwal,
JTO A/T (Sw) Electronics,
JE-02614
Telephone Exchange,
Pusa Road,
New Delhi

... Applicant

Vs.

1. Union of India
through
Secretary,
Department of Telecommunications,
Sanchar Bhawan,
New Delhi.

2. The Director-General,
Department of Telecommunications,
Sanchar Bhawan,
New Delhi.

... Respondents

O R D E R

Hon'ble Shri J.P. Sharma, Member(J)

The review applicant has sought the review of the judgement passed in OA No. 925/94 on 17th November, 1994. The application was dismissed as barred by time at the admission stage itself. Alongwith — this review application the applicant has also filed certain documents, namely forwarding of his representation by the order dated 12.12.1988 for retotalling and verification of the marks of T.E.S. Group 'B' qualifying exam., 1988. The applicant

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has also filed representation dated 21.2.1990 on the same subject which was also forwarded by the letter of even date to Director General, Department of Telecommunication, New Delhi. The applicant has also made representation dated 18th December, 1992. The applicant has given no justification in the Review Application as to why these documents have not been filed well in time when the original application was filed. However, these documents have not been considered but the conclusion we have drawn that the present application is barred by time and limitation need no revision. .

2. A Review against the judgement is only permissible when there is an error apparant on the face of the order but there is no such error. Merely the finding on limitation has been given against the applicant would not by itself tantamount to review on reconsideration of certain facts which do not explain the period by which the application originally filed is barred by limitation.

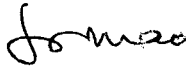
3. It is undisputed fact that the applicant appeared in the qualifying examination of T.E.S. Group-'B' in 1988 and the applicant filed the application in May, 1994 i.e. after a period of six years. Merely because some decision which was arrived at in a case filed in Madras Bench of CAT by one Shri M.A. Padamraj in DA No. 955/92 will not give the limitation to the applicant but facts of that case were different that after participating in the examination Shri Padamraj had gone to Saudi Arabia on deputation. That judgement cannot be said to be exemplar in the case of the applicant because it is related to the particular facts relevant to the applicant Shri Padamraj.

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4. The Tribunal in that case only directed that the representation of the Padamraj of 1986 be disposed of, if the answer books of TES Group-'B' examination by the year 1985 are available and the result of re-totalling of certain papers be intimated to the applicant.

5. In the present case when the applicant had made a representation in December, 1988 he could have very well filed this application if he did not get any reply within the statutory period provided under section 20 of the A.T. Act, 1985, and since he has not done the same and there is no valid reason or reasonable cause for not doing so within the period of limitation. The application of the applicant has been rightly held to be barred by limitation. There is no error on the face of the judgement. R.A. rejected by circulation.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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