

Central Administrative Tribunal, Principal Bench

Review Application No. 169 of 2001
(in O.A.No.2671/1996)

New Delhi, this the 04th day of June, 2001

1. The General Manager, Central Railway, Mumbai.
2. The Divisional Railway Manager, Central Railway, Jhansi.
3. The Divisional Mech. Engineer (Diesel), Central Railway, Agra Cantt. - Applicants

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Versus

Sh.Syed Mazhar Hussain, S/o Late Sh.Shakir Hussain, Diesel Mechanic, Under Divisional Mechanical Engineer (Diesel), Central Railway, Agra Cantt. - Respondents

O R D E R (in circulation)

By V.K.Majotra, Member(Admnv) -

This application has been filed to review our order dated 30.3.2000 passed in O.A.2671/1996. Whereas aforesaid order was passed on 30.3.2000, this review application has been made on 16.4.2001 i.e. after more than a year. The review-applicants have also filed, along with this review application, a miscellaneous application no.899/2001 seeking condonation of delay in filing this review application. We have perused the said M.A and found that the review applicants have not satisfactorily explained the delay. As per Rule 17 (1) of Central Administrative Tribunal (Procedure) Rules,1987, (hereinafter referred to as 'the Rules') no application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed". The Hon'ble Supreme Court in the case of K.Ajit Babu and others Vs.Union of India & others, JT 1997 (7) SC 24 has categorically held that "right of review is available if such an application is filed within the period of limitation". As such, this RA is liable to be dismissed on the ground of delay itself.

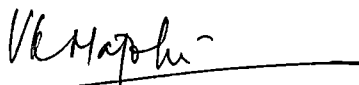
2. As none was present on behalf of the parties at the time of final hearing, aforesaid OA 2671/96 was


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decided on merits vide order dated 30.3.2000 in terms of Rules 15 & 16 of Rules. In the present RA it has been contended that as per the past practice for disposal of the OAs, the Tribunal had been taking them up after a lapse of around five years. However, aforesaid OA 2671/96 was suddenly taken up for consideration. Aforesaid contention of review-applicants is incorrect. We have verified from the records of the Registry that aforesaid OA 2671/1996 was kept on the 'Warning List' for a period of approximately three months from 13.1.2000 at serial no.290. Again this OA appeared on the subsequent Warning List dated 23.3.2000 at serial no.36. Thereafter, this OA was listed in the daily cause list of 29.3.2000 and again on 30.3.2000 when the matter was taken up for final disposal. Despite various opportunities as described above, the rival parties did not choose to appear on 30.3.2000 when the O.A. was disposed of finally. As such the aforesaid objection of the review-applicants is not sustainable.

3. In the present RA the review applicants are attempting to reargue the case afresh which is beyond the scope of the review petition. In the case of K.Ajit Babu (supra) their Lordships have held that the right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on limited grounds mentioned in Order 47 of Code of Civil Procedure.

4. In the conspectus of aforesaid facts and reasons, this review application is rejected at the circulation stage itself.


(V.K. Majotra)
Member (Admnv)


(Ashok Agarwal)
Chairman