

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.19/99. MA 119/99 in OA No.1789/1996

New Delhi, this 28th day of January, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

1. Shri Yashpal Singh
833/S-II, Sadiq Nagar, New Delhi
 2. Shri Jagan Nath Mahto
1-59, Chirya Colony, IARI, New Delhi
 3. Shri Vijay Kumar
T-650, L-IV-E, Gali No.21A
Baljeet Nagar, New Delhi
- ... Applicants
(By Shri B.B. Raval, Advocate)

versus

- Union of India, through
1. Director General
CSIR, Rafi Marg, New Delhi
 2. Head
Human Resources Development Group
CSIR Complex
Dr.K.S.Krishnan Marg
Pusa, New Delhi-12
- ... Respondents

ORDER(in circulation)

Hon'ble Shri S.P. Biswas

This review application is filed by the applicants on 18.12.98 seeking review of the judgement dated 4.3.98. by which their OA No. 1789/96 was dismissed being devoid of merits, alleging error apparent on the face of the records. MA has also been filed for condonation of delay in filing the RA.

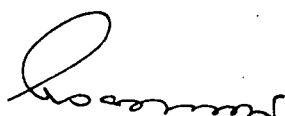
2. At the outset, it is made clear that the scope of review is very limited. The Tribunal is not vested with any inherent power of review. It exercises that power under Order 47, Rule 1 of CPC which permits review if there is (1) discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made: (2) an error apparent on the face of the record or (3) any other analogous ground. Though we find none of these ingredients is present in the review application, we also


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find that the grounds now taken by the review applicant have already been taken care of before disposing of the said OA. Thus, we do not find any error apparent on the face of the records, which alone could warrant exercise of our power of review.

3. The Court/Tribunal has to record in writing that the explanation for the delay was reasonable and satisfactory. This is the pre-requisite for condonation of delays. In the instant case, a copy of the judgement was admittedly received by the applicants 16th March, 1998 whereas this RA was filed on 18.12.98. The reason given herein is that one of the review applicants suffered severely by way of indifferent health and had to undergo a surgical operation in RML Hospital in March, 1998 and remained there for 3 weeks. This does not really explain the inordinate delay satisfactorily. We, therefore, find that the review applicants have not come out with good reasons, much less convincing ones, for condonation of undue delay in filing this review application beyond the stipulated period of 30 days. In rejecting this application for condonation of delays, we get well fortified by the decisions of the apex court in the case of **P.K.Ramachandran Vs. State of Kerala and Anr. JT 1997 (8) SC 189.**

4. For the reasons aforesaid, the RA is dismissed devoid of merits and on limitation.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

/atv/