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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

R.A.No. 63/99 with M.A.No. 516/99.

IN

D.A.No.100/96

New Delhi: this the 13 day of May, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Head Constable Jai Om No. 7074/DAP,

2. Constable Kiran Pal

No. 7933/DAP

..... applicants / review
respondents.

Versus

Dy. Commissioner of Police Respondent / Review
applicant.

ORDER (BY CIRCULATION)

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Perused the RA.

2. At the outset we note that the RA is grossly time barred and hit by Rule 17(1) CAT (Procedure) Rules. MA No. 516/99 has been filed for condonation of delay in which it has been stated that respondents decided to file this RA after they came to know of the Hon'ble Supreme Court's judgment in State of Rajasthan Vs. B.K. Meena JT 1996 (8) SC 684.

3. The Tribunal's impugned order is dated 25.7.96. It was a consent order dictated in open court with the agreement of both parties. The Hon'ble Supreme Court's judgment in B.K. Meena's case (supra) was delivered in August, 1996, that is subsequent to the impugned order dated 25.7.96 and in the light of the provisions of Section 22(3) (f) AT Act read with Order 47 Rule 1 CPC does not

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provide justification for review of the order.

4. In para 5 of the RA it has been stated that the Tribunal did not consider the submissions made by respondents' counsel, but this assertion is without merit as the impugned order was a consent order.

5. In para 6 of the RA reference has been made to decisions in certain other OAs. In so far as the decisions prior to the impugned order dated 25.7.96 are concerned, it was open to respondents' counsel to have cited them when the OA came up for hearing but he did not do so, and as stated above, the order dated 25.7.96 was a consent order. As regards decisions in OAs delivered after 25.7.96 are concerned, they do not provide justification to review an order passed before those decisions were taken.

6. The RA is rejected.

A. Vedavalli
(DR. A. VEDA VALLI)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A).

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