

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA 44/99 and MAs 257/99,
258/99 and 259/99 in
OA 2492/97.

New Delhi this the 3rd day of March, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

In the matter of :

Jai Narain Kaushik,
son of Late Sh. Ram Swaroop,
R/O C-605, Saraswati Vihar,
Delhi.

... Applicant

Versus

1. Lt. Governor of Delhi
Raj Niwas, Raj Niwas Marg,
Delhi.
2. Chief Secretary,
Govt. of NCT of Delhi
5, Sham Nath Marg, Delhi.
3. Secretary (Education),
Directorate of Education,
Govt. of NCT of Delhi, Old Sectt.,
Delhi.
4. Director of Education,
Govt. of NCT of Delhi, old Sectt.,
Delhi.
5. Dy. Director of Education (Distt. North),
Directorate of Education,
Govt. of NCT of Delhi, Lucknow Road,
Delhi.

... Respondents

O R D E R (BY CIRCULATION)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

We have carefully considered Review Application 44/99 together with MA 257/99, MA 258/99 and MA 259/99. Review applicant has prayed that the impugned order dated 23.2.98 in OA 2492/97 may be reviewed by allowing the R.A. and he should be re-employed and be allowed to continue to work in his previous post as Vice Principal upto April, 1998.

2. In MA 258/99, the applicant has prayed for condonation

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of delay of 59 days in filing the R.A. In MA 257/99, he has submitted that he has lost the certified copy of the order in OA 2492/1997. Another ground mentioned in MA 258/99 is that delay has been caused by the clerk of the counsel who had mis-placed the relevant papers and hence he has submitted that the delay is neither deliberate nor intentional. By MA 259/99, the applicant has sought to place on record an order of the Delhi High Court dated 27.5.98 on which he relies upon to substantiate his claim that the impugned order of the Tribunal passed on 23.2.98 should be reviewed and re-called. In the RA, the applicant has alleged that there are errors apparent on the face of the impugned order and he has advanced certain arguments which we have carefully considered. Based on other cases, he submits that Tribunal had failed to appreciate certain facts and take into account certain Rules, which we had not found applicable to the facts of the present case and has tried to reargue the case.

3. We do not find the reasons given in MA 258/99 for condonation of delay of 59 days sufficient to allow that MA and hence R.A. is liable to be dismissed on this ground alone. Apart from that, based on subsequent order passed by the Delhi High Court dated 27.5.98 it cannot be held that the impugned order dated 23.2.98 in OA 2492/97 should be reviewed. Lastly having regard to the provisions of the Order 47 Rule 1 CPC read with the provisions of Section 22(3)(f) of the Administrative Tribunal's Act, we are unable to agree with the applicant's contention that there are errors apparent on the face of the record which justifies allowing the Review Application.

4. For the reasons given above, RA 44/99 together with MA 257/99 and MA 258/99 are dismissed.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)