

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.46/99 in OA 5/1997

New Delhi, this 10th day of February, 1999

Hon'ble Shri S.P. Biswas, Member(A)

Divisional Railway Manager
Northern Railway, New Delhi .. Applicant

(By Shri P.S. Mehandru, Advocate)

versus

Gur Prasad Singh
211/5, Nai Sarak
Shastri Nagar, Delhi .. Respondent

ORDER(in circulation)

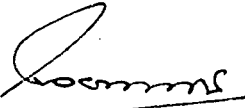
1. This review application is filed on 21.1.99 on behalf of the Union of India, respondent in the OA, for review of the judgement dated 16.9.98 in OA No.5/97. The ground advanced by the review applicant is that the Tribunal has not provided any safeguard to the recovery of the amount dues from the original applicant while quashing the impugned order therein and ordering refund of Rs.20,647 to the original applicant.

2. The review applicant has also filed MA for condonation of delay in filing the RA. 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 delay. I find that the grounds taken by the review applicant are not convincing enough to condone the delay and therefore the MA for condonation of delay is rejected. While doing so, I get well fortified by the decision of the apex court in the case of P.K.Ramachandran Vs. State of Kerala & Ors. JT 1997 (8) SC 189.

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3. I have gone through the reply filed by respondent in the OA but I find no whisper therein about the recovery of Government dues from the original applicant. In the circumstances, the review applicant cannot come with the plea that there is a mistake apparent on the face of judgement on this score. However, para 6(3) of the judgement makes it clear that "our orders in this OA, however, would not come in the way of respondents in effecting the recovery but should be done by putting the applicant on notice, hear him and examine his representation....". Thus this should take care of the recoveries, if any, to be made from the original applicant.

4. For the reasons aforesaid, the RA deserves to be dismissed and I do so accordingly.


(S.P. Biswas)
Member(A)

/gtv/