

Central Administrative Tribunal, Principal Bench

Review Application No.66/99  
M.A.519/99 in  
Original Application No.1749 of 1997

New Delhi, this the 6th day of September, 1999

Hon'ble Mr.N.Sahu, Member (Admnv)

Ved Prakash Pachauri ....Applicant

(By Advocate: Shri K.K.Patel)

Versus

Union of India and others ....Respondents

(By Advocate: Shri P.S.Mahendru)

O R D E R (ORAL)

By Hon'ble Mr.N.Sahu, Member (Admnv)

R.A.66/99 has been filed by the respondents in O.A.1749/97.

2. Shri P.S.Mahendru, learned counsel for the review applicants makes three submissions. He states that the applicant was no doubt transferred as a Welder but there being no post of a Welder, he was posted as a Fitter and got two promotions in that line. It is next submitted that the applicant had been invited to get his wife medically examined by the Railway Medical Officer and that the Railway authorities would not agree to accept the medical opinion given by private medical practitioners. The third submission is that since 1989, the applicant joined as a Fitter and continued as a Fitter.

3. Shri K.K.Patel, learned counsel for the applicant in the O.A. submits that the order was passed on 11.9.98 and the Review Application was filed on 2.2.99, with M.A. for condonation of delay.

*Resistive*

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Reason given for the delay is that after the receipt of the order, the applicant was asked to submit a copy of the medical certificate relied upon by him. This was not submitted and hence the delay.

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4. Shri Patel was also prepared to argue the matter on merits. The delay in filing the RA has not been explained. If the respondents are willing to implement the order, they should have done so on the basis of the directions in the OA. There was no direction for the respondents in the OA to examine the medical certificates before implementing the order. Secondly, it is settled law that if the delay is not explained properly, the RA being hit by limitation, cannot be considered on merits. That apart the grounds raised by Shri Mahendru were already there on record and were already considered by the Tribunal in passing the order. The RA is not a fresh medium for re-arguing the matter afresh. Under the circumstances, I don't think there is any merit in this RA. It is accordingly dismissed.

N. Sahu  
( N. Sahu )  
Member(Admnv)

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