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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-77/98 in
OA-1176/97

New Delhi this the 24th day of April, 1998.

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

Sh. Bachan Singh,
S/o Sh. Raje Singh,
B-344, Ashok Nagar,
Mandouli Road,
Near Puja Public School,
Shahdara, Delhi.

..... Review Applicant

versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Dy. Controller of Stores,
Northern Railway,
Shakurbasti, Delhi.
3. FA&CAO, Northern Railway,
Baroda House, New Delhi.
4. Chief Admn. Officer(Const.)
Northern Railway, Kashmeri Gate,
New Delhi. Respondents

order(in circulation)

This is a review application arising out of
our oral order dated 5.11.97 in O.A.No.1176/97.
Review of our order dated aforesaid has been sought
for on the following grounds:-

(i) that the order suffers from mistakes
apparent on the face of record;

(ii) that the posts in construction
department are treated as ex-cadre
posts and that the applicant in the
O.A. had held that ex-cadre post

while keeping his lien in the parent office i.e. Stores Department and this has not been denied by the applicant in the rejoinder;

(iii) that for the purpose of calculation of pension, the pay of the applicant as would have been drawn by him in the cadre post is to be considered and this point remained unrebutted. This aspect has also not been considered by the Tribunal while deciding the matter on 5.11.97; and

(iv) the Tribunal has not given any of the directions in para-12 of the order.

2. Under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, a review application can only be filed within 30 days from the date of receipt of a copy of the order. It has been admitted by the respondents that order of this Tribunal was received by Respondent No.2 with their advocate's letter on 27.12.97. Thus, the review application has been filed on 3.4.98 i.e. after a delay of more than 2 months.

3) In the landmark judgement of the Hon'ble Supreme Court in P.K. Ramchandran Vs. State of

Kerala (JT 1997(8) SC 189), their Lordships held that the Court has to record in writing that the explanation offered for the delay was reasonable and satisfactory... In the present case, the explanation for the delay, as recorded by the learned counsel for the review applicant is:-

"papers handed over to the counsel were misplaced in his office and were traced out only on 21.3.98."

No other reasons have been offered. Such a bald argument to condone the delay cannot be accepted. As per the law laid down on the subject of delays and limitations, the pre-requisite for the condonation of delay is that the explanation has to be reasonable and satisfactory. I find that the review applicant has hardly come out with any valid grounds, much less convincing ones, to condone the delay.

4. The review application, therefore, deserves to be rejected and I do so accordingly.


(S.P. Biswas)
Member(A)

/vv/