

Central Administrative Tribunal, Principal Bench

Review Application No. 94 of 2001 in
M.A. No. 384/2001
Original Application No. 50 of 2000

New Delhi, this the 7th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

Union of India, through

The Secretary
to the Government of India
M/o Personnel, Public Grievances
and Pensions
Department of Personnel & Training
New Delhi-1

- Applicant

(By Advocate: Shri H.K. Gangwani)

Versus

Shri Dhanwant Singh
S/o Sardar Makhan Singh
R/o 2767, Darya Ganj
New Delhi-2

- Respondent

(By Advocate: Ms. Rinchen Ongmu)

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

By the present RA, review is sought of an order passed on 8.8.2000 in OA No. 50/2000. Review is sought on the ground that while considering the merits of the matter, reliance was placed on O.M. No. 134/10/80-AVD. I dated 28.2.81 which had already been cancelled by the O.M. No. 134/9/86-AVD. I dated 31.7.87 at Annexure P-3 (page 30). Though a reference was made to the aforesaid O.M. of 31.7.87 at the hearing of the OA, the same had not been produced and hence no reliance thereon had been placed. In view of the said O.M. of 31.7.87, now having been produced which shows that the earlier memorandum of 28.2.81 had been cancelled, we find that just and sufficient cause has been made out for review of the order.

2. Learned counsel for respondent Ms. Rinchen Ongmu has opposed the present application on the ground that it is hopelessly barred by limitation. In our view, the contention raised is without substance and the same deserves to be rejected. Applicants herein, had impugned the aforesaid order of the Tribunal of 8.8.2000 by instituting C.W.P. No. 7822/2000 in the Delhi High court. By an order of 3.1.2001, the aforesaid petition was disposed of by giving liberty to the applicants to move the Tribunal in a review application. Applicants accordingly, on the very next day of passing of the order, on 4.1.2001 applied for certified copy of the same. The same was ready on 16.1.2001. Applicants, in the circumstances, have instituted the present R.A. on 5.2.2001. The same, therefore, cannot be held to be barred by limitation. Aforesaid contention of the learned counsel, in the circumstances, is rejected.

3. In view of the reasons contained in the foregoing paragraphs, the present R.A. is allowed. The order of the Tribunal of 8.8.2000 in OA-50/2000 is hereby recalled and the OA is restored to file. The same be placed for final hearing on 24.9.2001. No order as to costs.

V.K. Majotra
(V.K. Majotra)
Member(A)

Ashok Agarwal
(Ashok Agarwal)
Chairman