

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**MA No. 319/2020 in RASR No. 774/2020
in
Original Application No.354 of 2019**

Order of Order: 25.09.2020

Between:

1. The Union of India, Represented by its Secretary, Government of India, Ministry of Communications and IT, Department of Posts – India, Dak Bhavan, Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General, AP Circle, Vijayawada – 520 013.
3. The Director of Postal Services, Vijayawada Region, Vijayawada – 520 003.
4. The Superintendent of Post Offices, Gudivada Division, Gudivada – 521 301.

... Review Applicants/ Respondents

And

G.V. Chaitanya Kumar,
S/o. late G. Venkataratnam,
Age about 59 years, Postal Assistant (Compulsory Retired),
Nuzivedu Head Post Office,
Gudivada Division, R/o. H. No. 10/444,
Nagavarappadu, Opp. Vasavinagar,
Gudivada – 521 301.

... Respondents/ Respondents

Counsel for the Applicants ... Smt. D. Shobha Rani, Addl. CGSC
Counsel for the Respondent ... Mr. M. Venkanna

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

ORDER (By circular)
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The review application vide RASR No. 774/2020 has been filed by the respondents in the OA No. 354/2019 seeking review of the order dt. 22.07.2019 passed in the said OA. As there is delay in filing the Review Application, MA 319/2020 has been filed seeking condonation of delay.
3. Since no hearing is considered necessary, the Review Application is being disposed under circulation as per Rule 17(3) of the C.A.T. (Procedure) Rules, 1987.
4. Applicant in the OA, while working for the respondents as Sub Post Master was charged for shortage of cash to the extent of Rs.5,38,640.25. Applicant credited the total amount found short to the Govt. accounts. Thereafter, applicant was compulsorily retired. However, when retiral benefits were not released for more than a year, the OA was filed. Tribunal directed to release benefits due to the applicant based on rules and law, on 22.07.2019.
5. The review applicants state in the MA 319/2020 that they have partially complied with the order. After implementing the judgment, they came to know that the applicant was reported to have been convicted in a criminal case. Matter has been referred to Ministry of Law for legal opinion and that they are awaiting a response. In the meanwhile, respondents in the OA have filed this RA along with MA seeking condonation of delay of 325 days in filing the RA.

6. As per Rule 17 of the CAT (Procedure) Rules, 1987, RA has to be filed within 30 days of the receipt of the order. Relevant portion of the said provision is extracted as under:

17. Application for review.- (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed. .. ”

A three-Judge Bench judgment of the Hon'ble Andhra Pradesh High Court in W.P. No. 21734 of 1998 decided on 19.11.2003 held that the Tribunal does not enjoy any power to condone delay in filing the Review application. The above decision did take into account certain observations of the Apex Court in the case of ***Ajit Babu vs Union of India (1997) 6 SCC 473***, wherein the Apex Court has held as under:

“The right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on limited grounds, mentioned in Order 47 of the Code of Civil Procedure. Although strictly speaking Order 47 of the Code of Civil Procedure may not be applicable to the tribunals but the principles contained therein surely have to be extended. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision. Besides that, the right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of the party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case for all times to come. Public policy demands that there should be an end to law suits and if the view of the Tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the aggrieved persons on restricted ground mentioned in Order 47 of the Code of Civil Procedure if filed within the period of limitation.”

A similar issue fell for consideration before the Hon'ble Principal Bench of this Tribunal in RA 216/2014 with MA 3594/2014 in OA No. 3922/2013 and the same was decided vide order dated 27.11.2014, wherein it was held as under:

*“4.2 The matter of condonation of delay in filing of review application also came up for consideration before the Full Bench of the Hon’ble Andhra Pradesh High Court in **G. Narasimha Rao vs. Regional Director of School Education & Others, 2005(4) SLR 720**, wherein it was held that the Tribunal has no power to condone the delay in filing of review application.”*

7. There is abnormal delay in filing this RA. Complying with the above proviso of the CAT (Procedure) Rules and the law laid down supra, the MA filed for condonation of delay is dismissed in circulation. Consequently, the RASR stands rejected. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

evr