

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

R.A.No.20/93 in
O.A. No.956/87
M.P. No.279/93

Date of Order : 5.2.1993

Union of India

...Petitioner

Versus

Shri Ved Prakash

...Respondents

CORAM :-

The Hon'ble Mr Justice V.S. Malimath, Chairman
The Hon'ble Mr I.K. Rasgotra, Member (A)

O R D E R

This Review Application has been filed by the Respondents in the main O.A. No.956/87 seeking review of our judgement rendered on 2.11.1992. MP-956/93 has been filed along with the Review Application, seeking condonation of delay. The only reason adduced for justifying condonation of delay is that the respondent (Petitioner herein) took some time in processing the case and taking a decision to direct the Railway Advocate to file a Review Application. The reason given is not satisfactory and the R.A. deserves to be rejected on the ground of limitation alone.

Further according to the ^{Tribunal} ~~petitioner~~ / has committed an error of law as even after observing that the case was barred by limitation, the Hon'ble Tribunal proceeded to dispose of the case on merits.

2. We have ~~have~~ reconsidered the matter carefully.

(A)


In The judgement dated 2.11.1992 we observed that :-

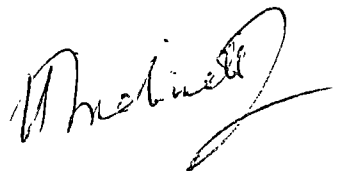
"So far as cause of action for the petitioner's right to reinstatement is concerned, that arose when the petitioner reported to duty in December, 1983. If he was denied the right to come back to duty, he ought to have made a grievance and instituted the proceedings well in time. That not having been done, the petitioner has the problem of limitation in this behalf. But as the petitioner appears to have a reasonably good case on the other questions, this need not detain us any further."

A close examination of the above would indicate that while the Tribunal noted that the petitioner was faced with the problem of limitation, the same was not allowed to come in the way as he had otherwise a good case on the other questions. The delay in approaching the Tribunal was thus condoned by implication, having regard to the other meritorious aspects of the matter. The implied condonation of delay cannot be construed as an error apparent on the face of record. The settled law in regard to power of review is that judgement can be reviewed if there is an error apparent in the face of record or there is discovery of new and important matters or evidence which after exercise of due diligence were not within the knowledge of the petitioner or could not be produced by him at the time when the order was passed

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or for any other sufficient reason. The grounds adduced in the Review Application do not fall under any of the statutory provisions mentioned above. Accordingly, the R.A. is rejected in circulation, first on account of limitation and secondly on merit.


(I.K. RASGOTRA)
MEMBER (A) 5/2/83


(V.S. MALIMATH)
CHAIRMAN

SSS