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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 80/94 &
M.A. NO. 646/94 in
O.A. NO. 500/87

New Delhi this the 16th day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

B. N. Nangru & Ors. ... Petitioners

By Advocate Shri V. P. Sharma

Versus

Union of India & Ors. ... Respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath —

We are not satisfied about the inordinate delay in filing this review application. The judgment was rendered on 8.9.1992 and the petitioner says that he got the copy of the same on 16.9.1992. The review application has been filed on 14.2.1994. It was, however, explained that bonafide believing that restoration application was maintainable, one was filed on 12.10.1992 and the same was dismissed on 12.10.1993. The period of limitation for filing a review application is only thirty days. Even assuming that the petitioner was bonafide pursuing his remedy by filing restoration application, that having been dismissed on 12.10.1993, the petitioner has to explain the delay in filing the review application thereafter. The review application has been filed more than two months after the dismissal of the restoration application. Shri Sharma, learned counsel for the petitioner submitted that the petitioner

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entertained the belief that fresh original application is the proper remedy and that subsequently he realised that that is not the correct position and he went to file a review application. This cannot be accepted as a satisfactory explanation either. In the order rejecting the application for restoration, the Tribunal has in express terms stated, "The only remedy available to the petitioner in law is to seek a review." As the Tribunal has itself stated that the only remedy available to the petitioner is to file a review application, we cannot accept the explanation that some time was spent in exploring as to whether another original application can be filed. The explanation offered is not, therefore, satisfactory and the application for condonation of delay is dismissed. Consequently, the review application is also dismissed.

S. R. Adige
(S. R. Adige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

/as/