

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

R.A. No. 289 of 1992 in O.A. No. 118/87

Nanak Chand vs. Union of India

This R.A. has been filed by the applicant for reviewing the judgment passed in O.A. 118/87 dated 10.4.92. Alongwith the R.A., M.P.No. 2607/92 has been filed by the counsel, Shri S.M. Rattan Paul. The prayer in this M.P. is that as the R.A. has been filed beyond the period of limitation, the delay in filing the R.A. be condoned. This M.P. is also supported by an affidavit filed by one Om Prakash, clerk of the counsel for the applicant. In the M.P. the reason for filing the R.A. after the period of limitation has been shown to be that the review application got mixed up inadvertently in some other papers and files by the clerk of the counsel and could not be located in time. Hence, the inadvertence of the clerk of the counsel which was unintentional and not deliberate be condoned. No particulars have been supplied either in the M.P. or in the affidavit as to when the copy of the judgment of the O.A. was received by them; as to when the review application was prepared; as to when the record was misplaced by the clerk and as to when it was discovered by the clerk of the counsel. To show sufficient cause for delay lies heavily upon the shoulders of the petitioner and he has to show that the cause due to which delay has occurred in filing the R.A. was a sufficient cause so that it may be condoned. The application for condonation of delay is not only bereft of any particulars, but is also bereft of the chronological events which resulted in the delay in filing the R.A. For discharging this heavy onus, the applicant should have shown the entire facts and circumstances under which and in what way the record of the R.A. was misplaced and when and how it was relocated. One who seeks justice has to be on his toes and it cannot be said that the counsel or the clerk of the counsel was unaware of the law that R.A. has to be filed within a particular period of limitation. Thus, we are of the view that M.P.No. 2607/92 and the affidavit filed by Shri Om Prakash are bereft of any merit as no sufficient cause

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has been shown to satisfy us for condoning the delay. This R.A. is, therefore, dismissed as barred by limitation.

2. Several grounds have been taken by the counsel for the petitioner in the R.A. in which one of the grounds is that the case laws cited by him were not discussed in the judgment. In the judgment of the O.A. , it has been clearly mentioned in para 9 of the judgment that the leading case by which this case is governed is that of **Baikunt Nath Dass and Others vs. Chief District Medical Officer (JT 1992 (2) S.C. p.1)**. In this very para, other judgments of the Supreme Court have been cited and it has been mentioned that as the judgment of **Baikunt Nath Dass (supra)** governs law in this O.A., other case laws cited by the counsel at the Bar need not be taken up.

3. In the R.A. it has also been mentioned that the case of **Baikunt Nath Dass (supra)** was neither cited by the applicant nor by the respondents, yet the Bench has committed illegality in placing reliance upon that judgment. It is really strange to take this ground in the R.A. because the petitioner has purposely not cited this leading case on the point. Even if a case is not cited by the counsel for the parties, it does not debar the Bench from utilising its own knowledge of case laws for the administration of justice. Case laws are cited for a correct decision in a case. Wilful neglect on the part of the petitioner in not citing this case cannot prevent the court from taking judicial notice of the law of the land as laid down and interpreted by the apex court of the country.

4. In view of this matter, this R.A. is not only barred by the law of limitation, but is also bereft of any merit. It is, therefore, dismissed without notice to the opposite party.

(Signature)
(RAM PAL SINGH)
VICE-CHAIRMAN (J)

(Signature)
3/9/92
HON'BLE MEMBER (A), SHRI P.C. JAIN