

16

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 189/92 in
O.A. NO. 1887/89

DECIDED ON : May 28, 1992

Suraj Ram & Anr.

... Review Applicants

-Versus-

Union of India & Ors.

... Respondents

CORAM : THE HON'BLE MR. P. C. JAIN, MEMBER (A)

ORDER

(Hon'ble Shri P. C. Jain, Member (A) :

This Review Application has been filed by the applicants in O.A. No. 1887/89 on 13.5.1992 seeking review of the judgment dated 9.2.1990 in the aforesaid O.A. The only ground on which the review is sought is that at the time when the O.A. was heard the applicants were not having a copy of the Railway Board's letter No. E(D&A)60 RG-6-30 dated 28.7.1962 which was a very important letter to be produced in the said O.A. and had it been filed, the Tribunal would have given a different finding in the matter in issue.

2. M.P. No. 1586/92 seeking condonation of delay in filing the R.A. has also simultaneously been filed.

3. In accordance with the provisions of Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, no petition for review shall be entertained unless it is filed within thirty days from the date of receipt of a copy of the order of which review is sought. As against this prescribed limitation, the R.A. has been filed after a delay of over two years. The reason for delay in the M.P. for condonation of delay is the same, viz., that the applicants did not have the knowledge of the Railway Board's letter dated 28.7.1962

(supra) and that the moment the applicants came to know about the same, one of the applicants, Shri Baij Nath Ram, had filed an O.A. No. 343/92 but the same was withdrawn and the Tribunal made an order that the applicant may seek remedy, if so advised, according to law. A copy of O.A. 343/92 has been enclosed with the R.A. and a perusal of the same shows that the relief prayed for in that O.A. is entirely different from the relief prayed for in OA-1887/89. Even otherwise filing of O.A. 343/92 in April, 1992 allegedly under wrong legal advice does not cover the delay involved in this case. Further, there is not even an averment that the aforesaid Railway Board letter could not be produced by the applicants or was not within their knowledge even after due diligence on their part. It is well settled that the applicant seeking condonation of delay in instituting legal proceedings after the period of limitation prescribed, has to explain the delay on day-to-day basis. The applicants have not even attempted to do such a thing, if one goes by the averment in the petition for condonation of delay. Even otherwise the delay has not been at all explained. As there is no sufficient ground for maintaining the petition for condonation of delay, M.P. 1586/92 has to be rejected and it is accordingly rejected.

4. In view of the above, the Review Application is not maintainable as it is hopelessly time barred and is also rejected as such. (By circulation)

as

(P. C. Jain)
Member (A)