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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

R.A. No.55/1995 and
M.As. No.500/1995 and 1794/1995 in OA No.2320/1990.

Dated: 27.7.1995

HON'BLE MR. JUSTICE S.C. MATHUR, CHAIRMAN.

HON'BLE MR. P.T. THIRUVENGADAM, MEMBER (A).

1. Madan Gopal Gadhok
S/o Shri A.C.Gadhok,
R/o BA-10G,DDA Flat, Munirka,
New Delhi.
2. Brij Bhushan,
S/o Sh. Bal Kishan,
R/o 225, Sector 16,
Faridabad.

....Applicants.

Versus

1. Union of India, through the Secretary,
Ministry of Communication, Deptt. of Post,
Dak Bhawan,
New Delhi.
2. The Chief Post Master General,
Delhi Postal Circle,
Meghdoot Bhavan,
New Delhi.

Order (By circulation)

M.A. No.1794/95.

This application is for joining together in the Review Application. The Original Application was filed by both the applicants. Accordingly the two applicants are entitled to join together in the Review Application also. The application is accordingly allowed.

M.A.No.500/1995.

This application is for condonation of delay in filing the Review Application.

The judgment of which review is sought was delivered on 21.12.1994 in the absence of the applicants. The applicants' claim that a copy of the judgment was received by applicant No.1 through the Registry on 2.1.1995. It is stated that applicant No.1 was ill and, therefore, he could not inform applicant No.2 about the judgment. For the same reason of illness, it is stated that the application could not be filed in the Tribunal within time. The Review Application was filed in the Tribunal on 17.2.1995.

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In view of the applicants' assertion that a copy of the Tribunal's order was received by applicant No.1 on 2.1.1995, the limitation for filing the Review Application, which is 30 days, expired on 2.2.1995. In support of the plea of illness, the applicant has placed on record the prescription slip issued by the Central Government Health Scheme Wing, Safdarjung Hospital. The first date on which treatment appears to have been given to the applicant is 7.2.1994. From this, it would appear that the applicant went to the Hospital for the first time on 7.2.1994. This date falls prior to the date of delivery of the order dated 21.12.1994, the review of which is being sought in the present Review Application. Accordingly, this medical prescription is of no assistance to the applicant.

It also needs to be pointed out that from the medical evidence filed by the applicant, it appears that the applicant No.1 was not confined to bed. He was in a position to inform the applicant No.2. He could also have gone to his counsel to instruct him for filing the Review Application. He could also have sent a copy of the Tribunal's order to applicant No.2 who it appears is a resident of Faridabad, by post.

In view of the above, we are of the opinion that the delay in filing the Review Application has not been sufficiently explained. Accordingly, the application for condonation of delay is rejected.

R.A. No.55/1995

The Review Application has been filed beyond the prescribed period of limitation. The applicants'

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application for condonation of delay has been rejected. Accordingly, this application is liable to be rejected as time barred.

In view of the above, the Review Application is rejected as time barred.

P. J. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

/as/

S. C. Mathur 27.7.55

(S. C. Mathur)
Chairman

(In Chamber)