

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

R.A. NO. 116/1991 in
O.A. NO. 2463/1990

DECIDED ON : 20.8.91

KULDIP SINGH

... REVIEW APPLICANT

-VERSUS-

UNION OF INDIA & ORS.

... RESPONDENTS

O R D E R

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

The applicant in OA-2463/90 has filed this review application under section 22 of the Administrative Tribunals Act, 1985 against the judgment delivered on 18.3.1991.

2. The Registry has raised a doubt as to whether this review application is within limitation or not. Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 lays down that the petition for review has to be filed within thirty days from the date of receipt of a copy of the order of which the review is sought. The review applicant has contended that a copy of the aforesaid judgment was received by him on 29.3.1991. This R.A. was filed on 30.4.1991. The date of receipt of a copy of the judgment is to be excluded for computing limitation and as such, the review application is within limitation.

3. The main grounds for seeking review are that an error apparent on the face of the judgment has crept in the judgment because the authorities for condonation of delay cited on behalf of the applicant in the O.A. have not been considered, and that no order has been passed directing the respondents to decide the appeal within a fixed period as

Ues.

(12)

- 2 -

had been prayed for by the respondents in their reply to the O.A. We have carefully considered these contentions and are of the view that these are not tenable. In view of the seven-Judge judgment of the Supreme Court in the case of S. S. Rathore Vs. State of Madhya Pradesh (AIR 1990 SC 10) on the point of limitation, it was not necessary to discuss in the judgment the authorities cited by the applicant. The contention of the applicant in the O.A. that his cause of action therein was a recurring and continuing one, has already been dealt with in the judgment sought to be reviewed. The contention of the review applicant that the Tribunal should have given a direction to the respondents to decide his appeal against the impugned order of punishment within a fixed time also has no force partly because this aspect of the matter has been dealt with in para 7 of the judgment and partly because if the OA was held to be barred by limitation, the Tribunal did not have jurisdiction to give any directions.

4. In view of the foregoing, we see no merit in this review application, which is accordingly rejected by circulation.

(P. C. JAIN)
MEMBER (A)

29/8/91
20.8.91