

In the Central Administrative Tribunal
Principal Bench: New Delhi

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Regn. No. MP 1092/1992 in
RA 120/1992 in
OA 960/1990

Date of decision: 23.04.1993

Shri R.D. Gupta & Others ..Original applicants/respondents
in the RA as well as in the MP

Versus

Union of India & Others ..Original Respondents/Petitioner
in the RA as well as in the MP

For the Petitioners in ..Ms. Jasvinder Kaur, Counsel
the RA as well as in the MP

For the Respondents in ..None
the RA as well as in the MP

CORAM:-

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGEMENT(ORAL)

**(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)**

The order dated 06.02.1992 passed by two learned Members of this Tribunal (not us), is sought to be reviewed by means of this application.

2. We have heard the counsel (for Union of India & Others) in support of the application and we are satisfied that no error on the face of record is apparent in the order passed by this Tribunal so as to entitle us to interfere with the order. Our power of review is limited to the provision of Order 47 of the Code of Civil Procedure.

3. The review application was filed on 03.09.1992 along with the Miscellaneous Petition seeking condonation of delay. We have perused the same. According to it, a certified copy of the order dated 06.02.1992 was obtained by Respondent No.2 from the Government counsel

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
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on 20.04.1992 by deputing an official from DGS&D. In paragraph 3 of the application, it is averred that the period prescribed for filing a review application is 90 days from the date of receipt of a certified copy of the order. It is also averred in the Miscellaneous Application seeking condonation of delay that the review application could be filed on or before 19.07.1992. This is not a correct understanding of the law.

4. Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, lays down that no application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed. Furthermore, no explanation has been offered as to why the review application could not be filed immediately after 19.07.1992. It is well known that each day's delay has to be explained. Accordingly, no satisfactory explanation has been offered for withholding the application upto 03.09.92. Merits apart, this application has to be rejected on the ground of limitation.

5. The application is rejected.


(S.R. ADIGE)
MEMBER (A)
23.04.1993


(S.K. DHAON)
VICE CHAIRMAN
23.04.1993

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