

17

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. NO.128/95 in

O.A. No.166/90

Date of Decision: 17.5.96

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Ram Bali Ram
s/o Bhabhuti Ram
D-2/135, Nand Nagari,
Delhi.

... Applicant

By Advocate: Mrs. Avnish Ahlawat

Vs.

1. Chief Secretary,
Govt. of NCT of Delhi,
Delhi.
2. The Commissioner of Police, Delhi
Delhi Police Hqrs., IP Estate,
New Delhi.
3. Addl. Commissioner of Police,
Delhi Police Hqrs.
IP Estate, New Delhi.

... Respondents

By Advocate: Shri Arun Bhardwaj

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This is a Review application filed by the applicant Shri Ram Bali Ram on 15.5.95 seeking a review of the judgement of the Tribunal in O.A. 166/90 dated 3.2.95. The grievance of the applicant in the O.A. was that he was not appointed/promoted as Head Constable (Ministerial)/Hindi Typist from the date he was working with Respondent No.2 i.e. with effect from the letter of appointment dated 15.12.73 (Annexure A of the OA).

2. We have heard Mrs. Avnish Ahlawat, learned counsel for the applicant and Shri Arun Bhardwaj, learned counsel for the respondents and perused the record.

3. We have seen the review application as well as *the* additional affidavit in support of the application under section 5 of the Limitation Act read with section 151 of the CPC for condonation of delay. The applicant has submitted that since the final copy of the judgement was not received by him and he was busy in his daughter's marriage, he filed an application for obtaining^a certified copy of the judgement which copy was supplied to him on March 28, 1995. The applicant states that he was under the impression that for filing an appeal in the Supreme Court he will get 90 days time from 28.3.95. On approaching a lawyer he was advised to file a review application before the Tribunal and hence this review application in which he has pleaded that delay in filing the review application may be condoned and the matter be heard on merit.

4. Respondents have filed their reply to the R.A. and have also taken a preliminary objection that the R.A. is not maintainable as being barred by limitation.

5. Under section 22(3)(f) of the Administrative Tribunal Act, 1985 read with Rule 17 of the CAT (Procedure) Rules, 1987, an application for review has to be filed within 30 days from the date of receipt of a copy of the order sought to be reviewed ^{which is the relevant provision.} In this case the applicant has himself stated that he has received a certified copy of the impugned judgement on 28.3.95. The additional affidavit does not disclose any sufficient reasons explaining the delay in filing the R.A. on 15.5.95. Therefore, this R.A. is liable to be dismissed on the ground of limitation alone.

6. Apart from the above, we have also carefully considered the R.A. on merits. No error apparent on the face of the record has been made out and the review application cannot be the remedy for seeking the relief only because the applicant states ^{that is} the decision is wrong. We, therefore do not find any justification to warrant a review of the impugned judgement dated 3.2.95.

7. In the result, the R.A. is ^{is} ~~accordingly~~ dismissed on the grounds of limitation and merits.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

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

/rk/