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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No. 81/93 in
OA No. 2342/91

Decided on 7.4.93

Sh. V. K. Upadhyaya

... Petitioner

Vs.

Union of India & Others

... Respondents

O R D E R

This R.A. has been filed by the applicant in OA No. 2342/91 decided on 11-12-1992, on the ground that there is an error apparent on the face of record and it has caused a serious mis-carriage of justice.

2. The review applicant has also filed MP 835/93 seeking condonation of delay in filing the R.A. This R.A. was filed on 15-3-93 and re-filed after removing the objections pointed out by the Registry, on 17-3-93. Thus, the R.A. is prima-facie barred by limitation prescribed in Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987. In the Petition for condonation of delay, the applicant has stated that the judgement in OA was not received/supplied by the Registry and as soon as he knew about the same from the Divisional Railway Manager, Moradabad, he applied for the supply of a certified copy on 4-2-93, which was supplied to him on 12-2-93. As per the normal procedure, copy of the judgement is sent to the learned counsel for both the parties and, as such Respondent No. 2 had received the same, it cannot be presumed that the learned counsel for the applicant was not sent a copy of the same. In fact, in this petition, the petitioner

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does not state that copy of the judgement was either not sent to his counsel or it was not received by him. Even then, taking a lenient view in the matter, delay in filing the R.A. is condoned by allowing the MP No. 835/93.

2. As regards the contention of the review applicant that there is an error apparent on the face of record, the same is mis-conceived as the averments in the R.A. in this regard, deal with the merits of the contentions of the applicant in O.A., which has been fully dealt with in the judgement dated 11-12-1992.

3. In the light of the above, this R.A. is devoid of merit and the same is, accordingly, rejected. By circulation.

J. P. SHARMA

(J. P. SHARMA)
Member (J) 7-4-93

(P. C. JAIN)

Vice-Chairman
Chandigarh Bench