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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.194/94 & MA No.1454/94 in OA No.1751/91

NEW DELHI THE 19th DAY OF MAY 1994

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Union of India
through Ministry of Home Affairs
and ors. Applicants(Respondents
in the OA)

vs.

Mrs.Praveen Dutta and
Mrs.Nirmal Verma Respondents(Applicants
in OA)

ORDER(BY CIRCULATION)

JUSTICE S.K.DHAON:

Union of India through Ministry of Home Affairs and others have, by means of this application, sought the review of our judgement dated 22.10.1993. By the said judgement, we had disposed of OA No.1751/91 and OA No.533/91. In substance, we had directed the respondents, in the aforesaid two OAs, to convene a Departmental Promotion Committee to consider the cases of the applicants therein for promotion to the post of Inspector(Woman). For that purpose, we had given certain directions.

2. In the review application, the case set up is that the directions given by us cannot be carried out on account of the operation of certain rules. Neither in the counter-affidavit filed on behalf of the respondents in the two OAs nor at the time of their hearing, the learned counsel for the respondents pointed out to us, the existence of the alleged rules, referred to in the review application. It may also be noted that in the review application, there is no averment whatsoever that the rules referred to therein were brought to our notice during the course of arguments. We may also note that Shri D.N.Goberdhan, counsel, represented the Union of India & ors. in the OAs whereas, the present review application has been filed by one Ms.Geeta Luthra.

3. In the counter-affidavit, the Union of India & others placed reliance upon Rule 19 of the Delhi Police (Promotion and Confirmation) Rules, 1980 to which we adverted

to in our judgement which is sought to be reviewed. In these circumstances, we have no hesitation in taking the view that our judgement does not suffer from any error apparent on the face of the record so as to attract the provisions of Order 47 Rule 1 CPC wherein our power of review is circumscribed.

4. This application is accompanied by an application seeking the condonation of delay. We may note that a review application has to be filed within 30 days from the date of receipt of the order. In it, the material averments are these. A copy of the judgement was received by the applicants (Union of India & ors.) on 16.11.1993. On 17.11.1993, the Government counsel wrote a letter to the department. On 8.12.1993, the Legal Advisor to the Commissioner of Police gave his opinion. On 9.12.1993, the competent authority being not satisfied with the opinion of the Legal Advisor to the Commissioner of Police decided to put the matter again before the Legal Advisor but the Legal Advisor was on leave from 9.12.1993 to 20.12.1993. The Legal Advisor sent for the whole record and the record was placed before him on 30.12.1993. He gave his opinion on 5.1.1994. The department contacted the counsel on 5.1.1994. The counsel drafted the review application on 7.1.1994. The concerned officer was away on official work till 12.1.1994.

5. It may be noted that this review application was presented in this Tribunal on 1.2.1994. No explanation whatsoever has been offered for the period between 12.1.1994 and 1.2.1994. It is well-settled that each day's delay has to be explained after expiry of the period of limitation for the purpose of getting the delay condoned.

6. On 1.2.1994, the registry pointed out certain defects in the review application, one of them being that a proper affidavit, duly attested by an Oath Commissioner/ Notary Public, in support of the review application and the miscellaneous application has not been filed.

7. From a perusal of the papers, it transpires that the review application does not bear any date. It also transpires that the affidavit filed in support of the review application was verified on 29.3.1994 before the Oath Commissioner, New Delhi. It also transpires that the affidavit in support of the MA purported to be filed under Section 5 of the Limitation Act does not bear any date of verification. Further, this affidavit has not been verified either before the Oath Commissioner or before the Notary Public.

8. We may note that the review application after removal of defects was presented again on 25.4.1994. Thus, it will be seen that the Union of India and others have taken the review application rather casually. We are satisfied that this application deserves to be rejected summarily on merit as well as on the ground that it is barred by time. Accordingly it is rejected.

B.N.DH
(B.N.DHOUNDIYAL)
MEMBER(A)

SNS

S.K.D
(S.K.DHAON)
VICE-CHAIRMAN(J)