

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

R. A. No. 246/93, MP-2211/93 In

**O.A. No.** 3015/91

199

**T.A. No.**

**DATE OF DECISION** 29.1993.

Shri Upender Rai

**Petitioner**

**Advocate for the Petitioner(s)**

**Versus**

Delhi Admn.

**Respondent**

**Advocate for the Respondent(s)**

## CORAM

The Hon'ble Mr. J.P. Sharma, Member (Judl.)

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

## JUDGEMENT

(By Hon'ble Mr. J.P. Sharma, Member)  
*By circulation*

The applicant has filed a review against the judgement in OA-3015/91 decided on 5.3.1993, when Shri K.N.R. Pillai, Counsel represented the applicant. In that O.A., the order of termination of the review applicant dated 19.7.1991, was assailed. By an interim order, the Tribunal directed that the applicant be re-engaged and was re-engaged w.e.f. 20.3.1993. During the pendency of the O.A., the applicant had been regularised in his appointment on the basis of re-engagement. The

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applicant in the review application has prayed that the back wages from the date of termination, i.e., 19.7.1991 to 20.3.1992, have not been awarded by the impugned order and now the same be also awarded and he has referred to certain authorities on the point.

2. This review application has been filed on 30.7.1993 and is barred by about three months as the same should have been filed within 30 days from the date of the order. However, MP-2211/93 has been moved for condonation of delay. The ground taken is that the applicant is a poor person and could not file the review in time. In view of this, the delay is condoned and the M.P. is allowed.

3. However, the review application does not disclose any ground for review of the judgement. Regarding non-award of back wages, the reason has been given in para.6 of the judgement and the authority of State of U.P. and Another Vs. Atal Behari Shastri of the the Hon'ble Supreme Court reported in 'Judgement Today', 1992, Vol.V, SC 523, has been referred to. In view of this latest authority, the reliance by the learned counsel for the applicant on certain other reported cases, is misconceived. In any case, it does not make out a case for review under the provisions of Order 47, Rule 1, C.P.C. There is no error

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apparent on the face of the judgement. The review application is, therefore, dismissed as devoid of merit.

*S. R. Adige*  
(S. R. Adige)  
Member (A)

*J. P. Sharma*  
(J. P. Sharma) 8/9/93  
Member (J)