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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. No. 341/92
in
D.A. No. 2982/91

Date of decision 12/1/92

S.P. MITTAL

V/s

UNION OF INDIA

O _ R _ D _ E _ R

This review application has been filed against the Order dated 27th July, 1992 rejecting the application on the short ground of limitation. The Learned Counsel for the applicants has quoted several cases to stress that the judgement should not defeat legitimate claim on technicalities. Section 21 has been incorporated in the Administrative Tribunals Act, 1985 and its provisions lay down the law. Further, in matters of seniority or challenge to promotion or appointment delays cannot be lightly excused as a person who has got a rank or post.

Santhi

is entitled to sit back and feel secure therein after the normal time for challenge to it has lapsed. A more liberal attitude is possible in monetary claim against Government. In this regard, the following is referred :

Rabindranath Bose v. Union of India
[1970 I SEC 84 (Para 33) : AIR 1970
SC 470_7.

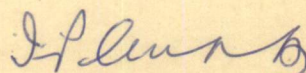
State of Orissa v. A.K. Patnaik
[1976 3 SCC 579 (Para 14): 1976
SCC (L&S) 486: AIR 1976 SC 1939:

P.S. Sadasivaswamy v. State of Tamil
Nadu, [AIR 1974 SC 2271_7.

According to Section 21(3) of the Administrative Tribunals Act, 1985, it is on satisfaction of the Tribunal about existence of sufficient cause for not making the application within the prescribed period that an application otherwise barred by time can be admitted. Each case has to be judged on the basis of the facts. In the case of Collector Land Acquisition v/s V. Anantnag Katiji [AIR-1987 SC 1353_7, the delay was of four days and the case did not relate to service matter under Administrative Tribunals Act, 1985. It is also not a case of correcting the mistake of a Court. In the case of J.P. Shukla

v/s Union of India (1990(12) ATC 475), the application had been admitted and the Court did not reject the application on ground of limitation.

2. The O.A., which was decided on 27.07.1992, was not an admitted one. Preliminary objection on limitation was raised by the respondents. We found substance in it. The delay was also not small. Therefore there is no good ground to review the judgement. The Review Application is dismissed without notice.


(I.P. Gupta)
Member (A) 12/11/92

Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

I agree.
Lambh
12.11.92.