

Central Administrative Tribunal
Principal Bench: New Delhi

R.A. No. 60/98

In

O.A. No. 2516/92

New Delhi this the 3rd day of July 1998

Hon'ble Shri N. Sahu, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Shri M.V. Hariharan,
Senior PA, in the office of
the Controller of Defence Accounts,
(Headquarters), G. Block,
New Delhi.

.....Applicant

(By Advocate: Shri N. Ranganathan Swamy)

Versus

Union of India through

1. Secretary,
Ministry of Defence,
Room No.100,
South Block, New Delhi.
2. The Financial Adviser,
Ministry of Defence (Finance)
South Block, Room No. 113,
New Delhi.
3. The Controller General of Defence Accounts,
West Block-V, R.K. Puram,
New Delhi.
4. The Controller of Defence Accounts,
(Headquarters),
Room No. 2-B, G. Block,
New Delhi.
5. The Secretary,
Department of Personnel & Training,
North Block, New Delhi.

.....Respondents

(By Advocate: Shri P.H. Ramchandani)

ORDER

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By Hon'ble Dr. A. Vedavalli, Member (J)

This Review Application has been filed by the applicant in O.A. 2516/92 against the order of this Tribunal dated 12.11.97. in the said case.

2. Briefly, it was contended by the learned counsel for the review applicant that the Tribunal erred in dismissing the O.A. on the ground of limitation as well as on merits. Learned counsel for the respondents vehemently denied the above contentions and submitted that the R.A. is not maintainable on the ground of limitation as well as on merits.

3. Learned counsel for the parties have been heard. We have perused the contents of the review application and the relevant papers placed on record. The matter has been considered carefully.

4. The review applicant has not been able to show any error of law or fact apparent on the face of the record or any of the other grounds specified under Section-22 (3) (f) of the Administrative Tribunals Act, 1985 read with Order-47 Rule (1) of the Code of Civil Procedure, 1908, which would necessitate a review of the order in question. He is in fact trying to re-agitate the matter in a review application as if it is an appeal which is clearly impermissible in law.



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5. Re the question of limitation, the Review Application has been filed on 15.1.98 whereas the order of this Tribunal was pronounced on 12.11.97. It is seen, as per the Registry's report, that a copy of the aforesaid order dated 12.11.97 was sent to the applicant by post on 11.12.97. apparently as required under Rule 22 of the Administrative Tribunal (Procedure) Rule, 1987, (herein after referred to as the "Rules").

6. According to the provisions of Sub Rule (1) of Rule-17 of the said rules:

"No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed."

While so, the applicant has not bothered to state specifically whether a copy of the said order has been received by him or not. In the application filed by the review applicant for condonation of delay in filing the R.A., he has only given certain personal reasons for his absence on the date of pronouncement of the said order and thereafter. As there is nothing on record to indicate that the copy of this Tribunal's order sent by post has not been received by the applicant, nor is it refused by him or has been returned to the Court, service is deemed to be complete. Proviso to Rule-11 (iv) of the said Rules, read with order (V) Rule -19 -A (2) of the Code of Civil Procedure 1908, would also be relevant in this connection. We are, therefore, of the view that the R.A. is prima-facie barred by limitation under the aforesaid Rule-17 (1) of the Rules, and is also not

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tenable on merits as already noted supra. It is also well settled that the right of review is not a right of appeal where all the questions are open to challenge and an application for review can be filed only on the limited grounds (as already mentioned supra) and that too within the period of limitation as held by the Apex court in K. Ajit Babu & Others Vs. Union of India & Ors. JT 1997 (7) SC 24.

7. In the facts and circumstances of this case and in view of the foregoing discussion, the R.A. is rejected at the preliminary stage.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

N. Sahu

(N. Sahu)
Member (A)

cc.