

Central Administrative Tribunal
Principal Bench, New Delhi.

RA-86/94 in
OA-2381/92

New Delhi this the 19th Day of August, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Union of India,
through the General Manager,
Northern Railway,
Government of India,
Baroda House,
New Delhi.
2. The Divl. Electrical Engineer,
(E.M.U.) Car Shed,
Northern Railway,
Ghaziabad-
under Divl. Railway Manager,
Northern Railway,
Government of India,
New Delhi.

Review applicants/
respondents in OA

(through Sh. P.S. Mahendru)

versus

Sh. Satyabrata Srivastava,
S/o Shri Jagdamba Saran Srivastava,
R/o 349-C, Railway Sen Colony,
Ghaziabad.

Respondent in RA/
applicant in OA

ORDER(BY CIRCULATION)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This review application has been filed by the
respondents in O.A.No.2381/92 decided on 17.8.1993.

In the afore-mentioned judgement, the respondents
were directed to issue a letter of appointment to the
applicant in accordance with the Memorandum dated 21.1.90
which emphasised that the panel would have efficacy subject
to the verification of character, antecedents of the persons
named therein. Therefore, it was open to the res-
pondents to verify the character/antecedents of the
applicant before issuing the letter of appointment to him.

It was further directed that if there is nothing against the applicant, the letter of appointment shall be issued to him within a period of six weeks from the date of presentation of a certified copy of this order. Earlier on 20.7.1993, the Tribunal had passed an order directing the learned counsel for the respondents to produce relevant rules/circulars wherein it is laid down that the life of the panel is only one year. 'As neither the relevant rules/circulars were produced nor any reply was filed controverting the allegation contained in the rejoinder-affidavit, and as respondents themselves had made appointment from the panel after expiry of one year, this Tribunal issued afore-mentioned direction. The respondents have now produced a copy of the Railway Board's Circular dated 16.11.1984 relating to direct recruitment to Group-D (Class-IV) Posts-Life of Panel. It is mentioned therein that the currency of Group-D (Class-IV) panels in cases of direct recruitment from the open market, should be normally one year. In exceptional circumstances it can be extended by one year with the personal approval of the Chief Personnel Officer, Ministry of Railways. ~~except~~

The only explanation given in the review application for non-production of this circular on the date of final hearing is that it was not available with the respondents. This explanation is hardly convincing. Moreover, though the judgement of this Tribunal was delivered on 17.6.1993, this review application has been filed on 28.2.1994. Rule 17(1) of the Central Administrative Tribunal (Procedure) Rules, 1987, provides that no petition for review shall be entertained unless it is filed within 30 days from the date of order of which review is sought.

No convincing reason has been given in MA-671/94 for condoning the delay in filing the review application. The respondents have themselves admitted that a copy of the judgement was received by them in the second week of September, 1993.

It has also been stated in the application for condonation of delay that since the matter involves an important question of relating the policy of railways in the cases of direct recruitments to Group-D posts, the delay in filing the review application may be condoned. It may be noted that neither the circular dated 16.11.84 now relied upon was before the Tribunal nor was challenged or struck down. Hence, the application for condonation of delay is not sustainable.

MA-671/94 for condonation of delay is hereby rejected and as a consequence thereto the review application also fails.

MA-671/94 & RA-86/94 are hereby dismissed.

Sly
(B. N. DHOUNDIYAL)
Member (A)

Sly
(S. K. DHADN)
Acting Chairman

/vv/