

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH NEW DELHI

Review Petition No. 120 of 1997

In

Original Application No. 702 of 1992

6-8-97

HON.MR.JUSTICE B.C.SAKSENA,V.C(J)

HON.MR.K.MUTHUKUMAR, MEMBER(A)

Shri Hukum Chand

S/o Shiv Chand

R/10 RZ-49 New Roshanpura Extension, N.Block
(Near BDO Office), P.S. Najafgarh
Delhi

..Applicant

Versus

1. Commissioner of Police, Delhi
Police HQs, M.S.O. Building,
I.P. Estate, New Delhi
2. Addl. Commissioner of Police/CID
Police Hqs., M.S.O. Building
I.P. Estate, New Delhi.
3. Dy. Commissioner of Police
Crime & Railway
Police Hqs., M.S.O. Building
I.P.Estate, New Delhi

..Respondents

(By Advocate Shri Rajinder Pandita)

O R D E R

JUSTICE B.C.SAKSENA,V.C.

This application seeks review of an order dated 17.2.97 passed by us in OA No. 702/92. M.A. 1214/97 has been filed seeking condonation of delay in filing the review petition. The review petition was filed on 23.4.97 much beyond the period of thirty days from the date of receipt of the order of which review is sought. Copy of the order is stated to have been received on 24.2.97. Under Rule 17 of the CAT Procedure Rules the review could have been entertained provided it was filed by 26.3.97. In the M.A. no provision of law seeking condonation of delay has been specified.

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2. Rule 17 of the CAT Procedure Rules 1988 reads as under:

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

The said provision is in mandatory terms and places a complete embargo even on entertaining the review application if not filed within thirty days from the date of the order of which the review is sought. The period of limitation for filing a review is thus specified to be thirty days. Significantly, in Rule 17 of the CAT Procedure Rules there is no provision for exercise of power by the Tribunal even on sufficient cause being shown for ^{condoning} the delay. If the provisions of Rule 17 aforesaid are contrasted with the provisions of sub rule(ii) of rule 15 of the CAT Procedure Rules and the proviso to sub-rule(ii) of Rule 18 it would be evident that the rule making authority did not intend to provide for entertainment of a review application beyond the prescribed period even on sufficient cause for delay being indicated to the satisfaction of the Tribunal. The Rule making authority has intentionally not provided for such exercise of jurisdiction by the Tribunal in Rule 17, whereas in the other provisions the Tribunal has been empowered to exercise jurisdiction and entertain or condone the delay on good and sufficient reasons being indicated. This Tribunal is not vested with any plenary powers. The Indian limitation Act does not apply to applications and proceedings filed under the Tribunals Act or the rules framed thereunder. The Tribunal is a creature of the statute and its powers and jurisdiction are thus circumscribed by the provisions of the Act and the rules.

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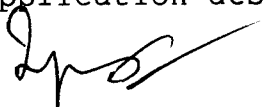
(X)

M.A. 1214/97 is therefore misconceived and is rejected.

3. We are conscious of the Larger Bench decision in Nand Lal Nichani Vs. Union of India and Ors reported in (1989) 10 ATC 113. We would have made a reference to the Hon'ble Chairman to constitute another larger bench to consider the provision of Rule 17 of the CAT Procedure Rules in the light of what has been observed by us but since we are ^{not} dismissing the review application only on the ground of limitation we are not doing so.

4. Even if the review application can be entertained notwithstanding what has been observed hereinabove, it will suffice to point out that on the review applicant's own showing Hukumchand respondent in the review petition has died on 26.4.96. Notices therefore cannot be issued to the applicant of the OA No. 702/92. Some new facts have ofcourse been indicated in para 6,7 and 8 of the review application by reason of which notice of the review application could have been considered to be issued. ^{There is} No error apparent on the face of the record as contemplated by Order 47 Rule 1 C.P.C. A review petition does not lie for a rehearing of the OA.

5. For the reasons indicated hereinabove the review application deserves to be dismissed summarily & is dismissed.


(K.MUTHUKUMAR)
MEMBER(A)


(B.C.SAKSENA)
VICE CHAIRMAN(J)

Dated: August 6, 1997