

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

THIS THE 6TH DAY OF AUGUST 1997

Review Petition No. 166 of 1997

In

Original Application No. 677 of 1992

6-8-97

Hon'ble Mr.Justice B.C. Saksena, Vice Chairman(J)

Hon'ble Mr.K.Muthukumar, Member(A)

Baleshwar Dayal Gupta
S/o Shri Har Saran Dass
R/o B-103 Parshant Vihar
Delhi - 110 042

... Applicant

(By Advocate Shri A.K. Bhardwaj)

Versus

Union of India through:

1. The Secretary
Ministry of Defence Production
Central Secretariat
New Delhi
2. The Director General
Ordnance Factories
10-A Auckland Road
Calcutta-1
3. The General Manager
Ordnance Factory
Muradnagar
Dist. Ghaziabad(U.P.)
4. Surender Singh,
Chargeman, Ordnance Factory
Muradnagar
Distt. Ghaziabad(U.P.)

... Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

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

This review petition is directed against an order dated 17.2.97 passed in OA 677/92 by us. The review petition has been filed on 9.7.97.

2. Misc. Application No. 1619/97 has been filed seeking condonation of delay. The review petition has been filed under the provisions of Rule 17 of the CAT Procedure Rules.

Rule 17(1): Reads as under:-

" No application for review shall be

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entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed."

Copy of the compliance report dated 11.7.97 of OA 677/92 placed at the top of the review application file shows the copy of the judgment was received by hand by the applicant on 24.2.97. In paragraph 2 it has been stated that the applicant had never been informed by his counsel that the OA had been dismissed. An application for obtaining certified copy was moved later on 10.4.97 and the review petition has been filed with the allegation indicated hereinabove. .

3. Rule (1) of Rule 17 of the CAT Procedure Rules is in mandatory terms and bars entertaining of a review petition unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed. There is no provision for condonation of delay in Rule 17. A perusal of various other provisions of the Procedure Rules show that when the rule making authority intended exercise of power by the Tribunal even beyond the period prescribed it has made a provision for the applicant to satisfy the Tribunal that there was sufficient cause or the applicant not being filed in time etc. This would be evident from a perusal of Rule 15(i) and Rule 18. If these provisions are contrasted with the provisions contained in Rule 17 it would be self evident that the rule making authority purposely has not conferred any power for entertaining a review petition after expiry of thirty days from the date of receipt of the order sought to be reviewed. The Tribunal has no plenary powers. It is a creature of the statute viz the CAT Act and the Rules framed thereunder.

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4. In any event even if it could be said that the Tribunal has power to condone the delay, we for the reasons indicated hereinabove are not satisfied that any case for condonation of delay is made out. The applicant has made a mis-statement of fact and had suppressed the fact that a free copy of the judgment was taken by hand on 24.2.97.

5. M.A. 1619/97 is, therefore, rejected.

6. Even on merits no ground to review the order passed is made out. No error apparent on the face of the record has been pointed out. The grounds taken in the review virtually seek a rehearing of the OA. The OA was mainly dismissed on the ground of being barred by limitation as cause of action had accrued in 1974 and in 1976. The review petition is accordingly dismissed summarily.

(K.MUTHUKUMAR)
MEMBER(A)

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

Dated: August 6, 1997