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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

R.P.No.19/98 in OA.NO.646/94

Dated this the 17th day of August 1998

CORAM: Hon'ble Shri D.S.Bawej, Member (A)

Union of India ... Applicant
v/s.

Bishwanath Prasad Tiwari ... Respondent

Tribunal's Order by Circulation

This Review Application has been filed by the respondents seeking review of the order dated 24.10.1997 in OA.NO. 646/94.

2. The certified copy of the order dated 24.10.1997 has been issued to the respondents on 7.11.1997. The Review Application has been filed on 29.6.1998 and beyond the period of one month as laid down in Central Administrative Tribunal (Procedure) Rules, 1987. The respondents have filed Misc. Application praying for condoning the delay in filing of the review application. The delay in filing review may be considered for condonation in terms of the judgement of Full Bench in the case of Nandlal Nichane vs. UOI 1994 (27) ATC 304 if sufficient cause is made out. On going through the reasons advanced in the Misc. Application for condoning the delay, I am of the opinion that these reasons do not constitute sufficient cause. The delay has been caused due to time taken by the administration in their own sweet way in deciding whether to file a review application or not. In view of this, I am of the opinion that the application is belated and therefore not maintainable.

3. On merits, I have carefully examined the contentions raised seeking the review of the order dated 24.10.1997. As held by the Hon'ble Supreme Court in several judgements, the power of review is exercised if there is any error apparent on the fact of the record or on discovery of new and important matter or evidence which was not within the knowledge of the person seeking the review or could not be produced at the time when the order was passed. Keeping these parameters in view, I do not find that the present review application satisfies any of these parameters. There is no error on the fact of the record. No new fact has been brought which was not in the knowledge of the respondents. The main ground taken in the review application is that no application for withdrawing the option had been sent along with the ^{original option} application when the record was transferred by Respondent No. 4. In view of this, the respondents contend that Respondent No. 4 had no material before him to file a counter affidavit stating that the applicant had withdrawn his option given earlier. On going through the order dated 24.10.1997, it is noted that firstly it is not a new fact which was not in the knowledge of the respondents. Secondly, the respondents have taken this plea in their written reply as stated in Para 3 of the order and subsequently this aspect has been discussed in Para 7 of the order. This contention of the respondents could be ^{other} not accepted as there were several documents and material on record to corroborate ^{contention} the L of withdrawal of the option as brought out in Para 7 of the order. In view

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of these observations, the points raised by the respondents in the review application do not have any force or substance and, therefore, the review application does not merit consideration.

4. In the result of the above, the Review Application is dismissed with no orders as to costs being barred by limitation and also devoid of merits.

D.S. Baweja
(D.S. BAWEJA)
MEMBER (A)

mrj.