

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

R.A. No. 53/2004

in

O.A. NO. 1508/1999

M.A. 2632/2004

This the 13th day of December, 2006

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Abdul Shamad,
S/o Sri Abul Karim,
R/o Mohalla Rafatpura,
Near Bazar, Faizganj,
District- Moradabad.

.... Applicant.

Versus

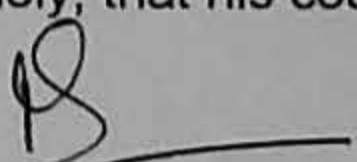
Union of India through
Secretary,
Ministry of Railways,
New Delhi and Ors.

... Respondents.

O R D E R (By Circulation)

This Review Application has been filed against the order dated 6.3.2003 passed in O.A.1508/99. Applicant has also filed MA 2632/2004 seeking condonation of delay. However, perusal of the review application shows that this Review Application was filed as back as on 31.5.2004 but defects were finally removed only on 9.11.2006 i.e. after more than two and a half years, which itself shows that applicant is not at all vigilant and interested in prosecuting the review application as well. After all, merely filing of review application with defects is not the requirement but if applicant was keen and wanted to pursue his review application, he ought to have removed the defects as pointed out by the registry within the reasonable period. It is evident that applicant has not only filed review application with delay but he has taken his own sweet will time to cure the defects as well. Therefore, this M.A. needs to be dismissed on this very ground alone.

2. However, perusal of the review application shows that only one ground has been taken by the applicant, namely, that his counsel was not present as



such ex-parte order has been passed. Therefore, the judgment dated 6.3.2003 should be reviewed. Non-appearance of the counsel is no ground for seeking review of a judgment. Review can be sought of a judgment if there is any error apparent on the face of the record or any new material is pointed out by the applicant. In the review application, no such error has been pointed out by the applicant. Therefore, no ground has been made out for recalling the judgment dated 6.3.2003. It goes without saying that review application cannot be filed for rearguing the case.

3. In view of above, the review application is also rejected.

B
13/12/06
(MRS. MEERA CHHIBBER)
MEMBER (J)

'SRD'