

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Review Application No. 73 of 2004

In

Original Application No. 1249 of 2000

Allahabad this the 12<sup>th</sup> day of October, 2004

Hon'ble Mr. A.K. Bhatnagar, Member (J)  
Hon'ble Mr. D.R. Tiwari, Member (A)

Ghanshyam Yadav Son of Sri Murli Dhar Yadav, r/o Village Kador, P.O. Branch P.O. Kador, Under P.O. Suriyawan, District Santravi Das Nagar, Bhadohi.

Applicant

By Advocate Shri Radhey Shyam Yadav

Versus

1. Union of India through the Secretary, Ministry of Telecom, New Delhi.
2. Post Master General, Allahabad Region, Allahabad.
3. The Director, Postal Services, Allahabad.
4. Superintendent of Post Office, West Region, Varanasi.

Respondents

By Advocate (None appeared)

O R D E R

By Hon'ble Mr.A.K. Bhatnagar, Member(J)

This review application has been filed by the applicant in O.A.No.1249 of 2000 seeking recall and review of the Tribunal's order dated 28.05.2004. The applicant has also filed a delay condonation application alongwith review application. The cause shown in delay condonation application is sufficient. Delay is condoned

in filing the present review application

2. We have carefully gone through the grounds taken for review. The grounds taken for review of the order were well considered while passing the order for which review has been sought for. The main point raised by the applicant in the review application is that although delay application under Section 5 of the Limitation Act has been filed by the applicant in O.A.No.1249 of 2000 but the O.A. has been dismissed by giving observation that the O.A. is time barred and it has also been observed by the Tribunal that no application whatsoever has been filed for condonation of delay, which clearly shows that there is error apparent on the face of record. In view of this, the order passed by the Tribunal be recalled.

3. We have gone through our order dated 28.05.04 passed in O.A.No.1249 of 2000, which has been passed after considering the case on its merit. It is a fact that in para-13 of the Judgment, it is observed that O.A. is certainly time barred in as much as that the cause of action arose to the applicant on 18.06.99 i.e. when the Revisional Authority i.e. respondent no.2-Post Master General, Allahabad passed the order dated 18.06.1999. As per Section 21 of the Administrative Tribunals Act, 1985, the applicant was required to approach this Tribunal within one year i.e. 17.06.2000 but this O.A. was filed on 19.10.2000 i.e. after expiry of one year from the date cause of action arose to him. It is also observed that no application whatsoever has been filed for condonation of delay. Firstly, this case was held as time barred, then it was observed that no application whatsoever has been filed for condonation of delay. The Tribunal in the last two lines of para-13 has clearly held as under:-

"Therefore, O.A. is liable to be dismissed not only as it lacks merit but also on the ground of limitation."

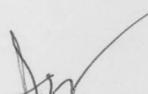
4. Paragraph no.14 of the order reads as under:-

"In view of the above facts and circumstances, O.A. is dismissed as it is bereft of merits and also barred by period of limitation under Section 21 of the Administrative Tribunals Act, 1985. No order as to costs"

The Tribunal had already held the O.A. in question as time barred so by moving a delay condonation application does not give a right to the applicant that the delay will be condoned. The O.A. No.1249 of 2000 has been decided on merits. It is well settled that we cannot sit in appeal against our own order and even erroneous Judgment is not a ground for review one has to go in appeal, in revision or writ. The order passed is a detailed and speaking one wherein all the aspects have been duly considered. The present attempt by the review applicant is to have the matter ~~re~~argued which does not fall within Section 22(3) (f) of the Administrative Tribunals Act, 1985. The decision of Hon'ble Apex Court in the case of Col.Avtar Singh Sekhon Vs. U.O.I. and Others A.I.R. 1980 (S.C.) 2041 also fortifies our stand. The review application is totally bereft of any merit, which is accordingly rejected.



Member (A)



Member (J)

/M.M./