

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

REVIEW APPLICATION NUMBER 79 OF 2004

IN  
ORIGINAL APPLICATION NO. 1427/01

ALLAHABAD, THIS THE 08<sup>th</sup> DAY OF SEPTEMBER, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)  
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Izzatnagar Division, Bareilly.
3. Senior Divisional Personnel Officer, N.E. Railway, Izzatnagar, Division, Bareilly.

(By Adv. Shri K.P. Singh)  
VERSUS

.....Applicants/Respondents

Vinod Kumar and other

.....Respondent/Applicant

(By Advocate: Shri T.S.Pandey)

ORDER

By Hon'ble Mrs. Meera Chhibber, Member (J)

This Review Application has been filed by the respondents against the order and judgment dated 22.04.2004 whereby the D.A. was allowed after recording the reasons. Now respondents have filed R.A. on 10.08.2004 along with an application for condonation of delay bearing M.A. No. 3604/04. M.A. for condonation of delay has been filed on the ground that delay has taken place due to obtaining necessary sanctioned and approval from the competent authority as required under the official obligations. Under Rule-17 of CAT Procedure Rule 1987, period stipulated for

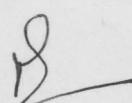
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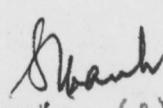
filing the Review Application is 30 days from the date of receipt of copy of the order sought to be reviewed. Rule 17 for ready reference reads as under :-

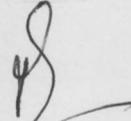
"Application for Review - (i) No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed."

2. Perusal of same shows it is in negative form, therefore, any review application which has been filed after 30 days cannot be entertained. The present review application has admittedly been filed beyond the period of 30 days. Therefore, this Review Application is barred by limitation. No plausible explanation has been given in the application for condonation of delay to justify the delay in filing the Review Application. Application has been filed in a mechanical manner thinking it to be a mere formality, whereas a person filing any application beyond the time of limitation is required to justify the reasons as to why delay has taken place if it is sought to be condoned. Since no plausible reason has been given in the application, M.A. for condonation of delay is rejected. Even otherwise, the only ground taken in the review application is that relevant facts and circumstances were not placed before the Hon'ble Tribunal, this is hardly a ground for filing review application. It goes without saying that when notices are issued to the respondents, they are supposed to file counter affidavit explaining all the facts and circumstances which go to the root of the matter, so that matter may be decided in proper perspective. It is seen that in most of the cases, respondents are filing their replies, which are vague in nature or the proper rules are not annexed to the counter affidavit, as a result of which when the cases are decided, they file review application, later on, bringing out the facts which were very much in their knowledge earlier also. Such practice cannot be allowed or encouraged, it is deprecated.



3. Respondents have stated now that they had cancelled the selections on representations having been filed by the Union Members. This is a fact, which would have been within their knowledge even at the time when counter affidavit was filed. Therefore, we see no reason why it should not have been placed on record when the counter affidavit was filed in the O.A. OA was decided on the basis of pleadings filed by parties. Respondents have not been able to bring out any error of law or fact on the face of record and review application can be entertained only if a party is able to show error apparent on the face of record. It has already been held by Hon'ble Supreme Court in the case of Ajit Kumar Rath Vs. State of Orrissa reported in 2000(2) SLJ 108 that review cannot be claimed or asked for merely a fresh hearing or arguments. We, therefore, find no merit in the review application. Moreover, respondents are taking the matter rather lightly and in any case, it is an admitted fact that both the applicants had already qualified. Therefore, we do not see any justified reasons to re-open the case already decided. Review Application is accordingly dismissed in circulation.

  
Member (A)

  
Member (J)

shukla/-