

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

OPEN COURT

CIVIL MISC. REVIEW APPLICATION NO. 86 OF 2004.

IN

ORIGINAL APPLICATION NO.485 OF 2004

ALLAHABAD THIS THE 30TH DAY OF OCTOBER 2007.

Hon'ble Mr. Ashok S. Karamadi, J.M

Hon'ble Mr. K.S. Menon, A.M

1. Union of India through its Secretary, Department of Posts, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Bareilly Region, Bareilly.
3. Senior Superintendent of Post Offices, Budaun Division, Budaun.
4. Sub-Divisional Inspector (Post) South Sub-Division, Budaun.

.....Review Applicants

(By Advocate: Shri Saumitra Singh)

VERSUS.

Smt. Pushpa Singh W/o Sri Promod Kumar Singh, Resident of Village Nizampur, District Budaun.

.....Respondents

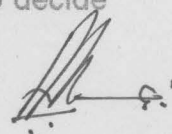
(By Advocates: Shri M.K. Upadhyaya/Shri B. Ram)

ORDER

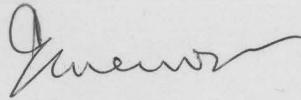
Mr. Ashok S. Karamadi, J.M

This review application is filed against the order-dated 3.6.2004. By the said order, the O.A. was allowed and impugned order was quashed. The applicant was entitled to all consequential benefits.

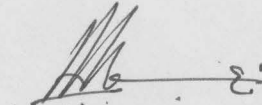
2. While passing the said order, it was observed that on perusal of documents and despite sufficient opportunity having been given to the respondents for filing the counter affidavit, but the same had not been filed and proceeded to pass the order and further the order was supported by the decisions in support of contention taken by the applicant. After hearing counsel for the applicant and respondents the order was passed finally. After passing of that order, this review application is filed alongwith an application for condonation of delay. The grounds taken in support of delay condonation application are that having regard to the fact that the procedure to be adopted in between the department for taking the legal step, and one of the contention is that inspite of the fact that the earlier counsel on record had not filed the counter affidavit. In absence of counter affidavit, the matter was decided. The reason given for condonation of delay are in the nature of administrative exigency but it is departmental authorities to take up the matter and to decide



the matter for filing any application or petition after the approval of concerned authorities. Having regard to the contention of learned counsel for the applicant, we do not find the prima-facie case to condone the delay because the reasons given are not acceptable even then the facts remains that the Department has represented through the counsel and having aware of the fact that order was passed. Even otherwise, on going through the grounds taken in the Review Petition, we are not satisfied that the grounds taken in the application are in the nature of the grounds to be taken in appeal but one of the ground taken in the application is that opportunity was not given to the respondents for filing the counter affidavit. After having sufficient opportunity, counter was not filed, as such in absence of any error apparent on the face of record, the Review Application is not maintainable. Having regard to the facts that the grounds taken in the review application cannot be acceptable. Consequently the grounds taken in the Condonation of Delay Application and Review Application and on considering the merits of the case, the Delay Condonation Application is dismissed. Accordingly, Review Application is dismissed.



Member-A


Member-J

Manish/-