

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ALLAHABAD THIS, THE 05th DAY OF OCTOBER 2005

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

REVIEW APPLICATION NUMBER 34 OF 2005

UNION OF INDIA & OTHERS Applicants

V E R S U S

QAZI NASEEM AHMAD Respondent

IN

ORIGINAL APPLICATION NUMBER 04 OF 2004

QAZI NASEEM AHMAD APPLICANT

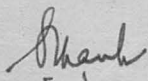
Vs.

U.O.I & Ors.RESPONDENTS

O R D E R

By Hon'ble Mr. S. C. Chaube, Member (A)

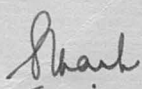
The present Review Application has been filed by Union of India seeking review of order dated 11.01.2005 passed in O.A. No.04/2004. Accordingly, the review applicant has prayed for deciding the case by passing a fresh order. Misc. Application No. 1842/05 dated 17.05.2005 has been filed for condonation of delay in filing the Review application. The ground for delay has been attributed to the administrative reasons to enable the respondents to take instruction from the higher authorities.



2. We have heard the counsel for the review applicants and have given anxious consideration to the reasons behind the delay. We have found them far from satisfactory. It is provided in Rule-7 of CAT (Procedure) Rules 1987 "no application for review shall be entertained unless it is filed within 30 days from the date of receipt of a copy of the order sought to be reviewed". We are also inclined to refer to the judgment of the Hon'ble Supreme Court in the case of P.K. Ramchandran Vs. State of Kerla and another J.T. 1998 (7) SC 21 wherein it was laid down that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statutes so prescribes and the courts have no power to extend the period of limitation on equitable grounds. In view of specific time limit laid down in CAT Procedure Rules 1987 and the Judgment of Hon'ble Supreme Court, we are , therefore, not persuaded to grant condonation of delay for filing Review application. The review application, thus, is liable to be dismissed being time barred.

3. We have however, gone through the order dated 11.01.2005 and do not find any error apparent on the face of record or any new and important material which even after exercise of due diligence was not available with the review applicant.

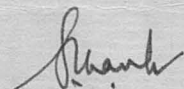
4. The scope of review under Section 22(3)(f) of the Administrative Tribunals Act 1985 read with order XLVII, Rules (1) and (2) of Civil Procedure is extremely narrow. If the Review applicant is not satisfied with the order passed by the Tribunal, the remedy would lie elsewhere. Through

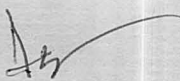


this review application the review applicants seek to re-argue the matter which is not permissible under the law. We are further inclined to refer to the following extract from the Judgment of the Hon'ble Supreme Court in the case of Union of India Vs. Tarit Ranjan Das reported in 2004 SCC (L&S) 160 observed as under:

"The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in Review Application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court".

5. In view of the above, the Review Application is dismissed.


MEMBER- A.


MEMBER- J.

/ANAND/