

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH.

RA 70/2005  
In  
OA 170/2001

ALLAHABAD BENCH THIS THE 30<sup>th</sup> DAY OF JANUARY, 2006

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

1. Union of India through the  
Director General, Army HQ, M/o Defence,  
New Delhi - 110011.
2. Station Commander, Sub Area Commander,  
Station Headquarters,  
Carripa Road, New Cantt., Allahabad.
3. Chief C.D.A. (Pension)  
Dropadi Ghat, Allahabad.
4. Assistant Accounts Officer,  
BSO MES (G C West), New Cantt.,  
Allahabad.

..... Review Applicants.

V E R S U S

Sri V.N. Ram, S/o Sri Ram Manohar,  
R/O 62-P/4A, Sainik Colony (Shola ka Pura)  
P.S. - Dhumanganj. Allahabad.

..... Review Respondent.

ORDER (By Circulation)

This RA has been filed against order dated 4.8.2004 passed in OANo. 170/2001 along with MA for condonation of delay.

2. It is stated by the Review applicants that order was prepared on 16.8.2004. Thereafter various formalities were required for preparing the RA. Thereafter approval was required to be taken from the superior authorities. They sought opinion in December, which was given in January 2005. Therefore, the matter was under process therefore delay, if any, may be condoned and order may be reviewed. They have also filed parawise comments with the review application to show applicant was unauthorized



occupant, therefore, he was not entitled to get another accommodation which fact has not been looked into by the Tribunal.

3. I have read the RA as well as MA for condonation of delay. The judgment was passed on 4.8.2004. Admittedly several opportunities were given to the respondents to file the reply and even inspite of cost having been imposed on them, respondents did not care to file any reply, which is evident from para 4 on page 16 of RA itself. It is also relevant to note that the OA was pending since February 2001. On 12.3.2004 counsel for the respondent gave a statement that inspite of several letters, respondents are not sending him the comments yet in the interest of justice one more opportunity was given to the respondents' counsel to file counter within three weeks subject to cost of Rs. 250/- but still noting was done so. It was thus clear that respondents were not interested in defending the case otherwise they would not have ignored several opportunities given to them. Accordingly, we had no option but to decide the case finally.

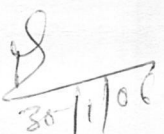
4. It is strange that even after the OA was decided in August 2001 respondents have taken about ten months to file this RA. In other words after over 300 days whereas Rule 17 of C.A.T. (Procedure) Rule, 1987 provides as under. "No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed."

5. It is thus clear that the period of limitations prescribed under the statute is only 30 days. Since the provision starts in a negative form, it is only in most deserving cases that delay can be condoned that too when some valid justification /cause is shown. The only ground taken by Review applicants for seeking condonation of delay is, that they were writing letters to different authorities. In fact opinion itself was sought from advocate after over 4 months whereas time for filing review is 30 days (one month) only. Thereafter also 5 months were taken in filing the RA, which shows respondents are in habit of moving at snails speed, which can neither be encouraged nor accepted. After all if respondents are allowed to proceed in



this fashion, it will defeat the very object of creating the Administrative Tribunal. The object of creating Administrative Tribunal was to give cheaper and early disposal to the litigation preferably within six months, therefore, respondents cannot be granted years together for filing a reply or R.A. at their own whims. In my considered opinion the cause shown by respondents for seeking condonation of delay is not found justified. Accordingly, MA for condonation is rejected. Since delay has not been condoned RA gets rejected automatically.

/mk/

  
30/1/06  
(MEERA CHHIBBER)  
MEMBER (J)