

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

REVIEW APPLICATION NO. 71 OF 2005

IN

ORIGINAL APPLICATION NO. 622 OF 2002

ALLAHABAD THIS THE 30th DAY OF NOVEMBER 2006

**HON'BLE DR. K.B.S. RAJAN, MEMBER-J
HON'BLE MR. M. JAYARAMAN, MEMBER-A**

1. Union of India through the Secretary, M/o Urban Improvement, New Delhi.
2. The Chief Engineer (Electrical), North Zone, CPWD East Block, R.K. Puram, New Delhi.
3. The Superintending Engineer (Electrical), Lucknow Central Electrical Circle, CPWD CGO Complex, 'H' Block Aliganj, Lucknoq.
4. The Executive Engineer (Electrical), Kanpur Central Electrical Division, CPWD Kanpur (now Allahabad Central, CPWD, Room No. 4,5 & 8, 4th floor, Sangam Place, Allahabad.

.....Applicants

(By Advocate Shri S. Singh)

V E R S U S

S.K. Pathak, aged abouted 62 years, S/o late Man Mohan Pathak, R/o 117/Q/639-D, Sharda Nagar, Kanpur.

.....Respondent

(By Advocate: Sri Rakesh Verma.)

ORDER

BY DR. K.B.S. RAJAN, MEMBER-J

This Review Application has been filed against the order dated 7.7.2005 in O.A. no. 622 of 2002. In

the said O.A. four respondents have been arrayed and for all the respondents, Senior Standing Counsel represented.

2. No Counter Affidavit was filed when the O.A. was finally disposed of. In the docket of the order dated 7.7.2005, it has been observed that the counsel for the respondents were informed about the order dated 13.4.2005 vide letter dated 22.4.2005, which was dispatched on 25.4.2005 by the Speed Post. As no assistance was available from the side of the counsel, the case was decided on merits and final order dated 7.7.2005. It is as late as on 5.10.2005 that this application for Review has been filed on behalf of respondents. The following are the reasons not filing the Counter earlier:-

"6. That the respondents were granted several times to file Counter affidavit. However, at the request of the present Senior Standing Counsel on 13.4.2005 Hon'ble Tribunal had granted 4 weeks as last opportunity to file the Counter affidavit. The Senior standing Counsel vide his letter dated 22.4.2005 which was dispatched on 25.4.2005 through Courier, informed the respondent no.4 at his official address as mentioned in the O.A, but the same was received back undelivered.....

7. That since the office of the Executive Engineer (Electrical) shifted from Kanpur to Allahabad and started functioning w.e.f. 2.9.2004 at new address i.e. Allahabad Central Electrical Division, CPWD, Room nos. 4,5 & 8, 4th Floor, Sangam Place, Allahabad.Therefore, the correspondence between the Senior Standing Counsel and the office of the respondent no.4 could not be made and all efforts made for filing the Counter Affidavit within time become failed and the same

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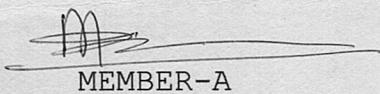
could not be filed in spite of last opportunity given on 13.4.2005.

8. That immediate after receiving of the certified copy of the judgment and order dated 7.7.2005 so prepared on 22.7.2005 passed in O.A. no. 622/2002, the Senior Standing Counsel also sent the same to the respondent no.4 on his address as mentioned in the O.A. as also in the judgment dated 7.7.2005 so prepared on 22.7.2005 vide his letter dated 4.8.2005 through Courier.
9. That the aforesaid letter dated 4.8.2005 was also received back in the office of the Senior Standing counsel undelivered.
10. That thereafter the undersigned again sent the certified copy of the judgment dated 7.7.2005 so prepared on 22.7.2005 through the Registered post on 23.8.2005 which has also been received back undelivered in the office of undersigned on 1.9.2005.....
11. That the applicants/respondents came to know about the judgment and order dated 7.7.2005 so prepared on 22.7.2005 only when the copy of same has been received in the office of the respondent no.4 on 5.9.2005 at the changed address at Allahabad. Meaning thereby the applicant had knowledge of the change of office of respondent no.4 from Kanpur to Allahabad which ought to have been intimated to the Hon'ble Court at the time of hearing or the same ought to have been changed by filing an amendment application."

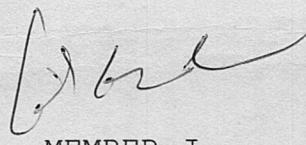
3. We have heard the counsel for the parties in so far as the delay in filing the Review Application is concerned. First of all, the respondent no.4, whose office was shifted from Kanpur to Allahabad is not lone respondents. May be this particular respondent may have to take action on the order dated 7.7.2005, however, it cannot be said that the other respondents have no role to play in the implementation of the order. If for any reasons, communication addressed to one particular respondent

[Handwritten signature/initials over the last sentence]

was not delivered and the same has been returned, if is for the counsel for the respondents to make attempt to serve the same on the other three respondents instead of blaming the applicant that it was on account of delay in serving the certified copy by the applicant on the respondents and the delay has been taken place as absolutely no meaning. The Review Application is time barred and, therefore, the same is dismissed.



MEMBER-A



MEMBER-J

GIRISH/-