



**Central Administrative Tribunal
Principal Bench, New Delhi**

**R.A. No. 90/2020
O.A. No. 3079/2016**

This the 19th Day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Union of India
Through

1. The General Manager,
Northern Railway,
Baroda House, New Delhi

2. The divisional Railway Manager,
Northern Railway, New Delhi

...Review Applicants

(By Advocate: Shri Krishan Kant Sharma)

VERSUS

Kanta Prasad Singh
S/o Nanak Chand
Working as Clerk,
Under Chief Medical,
Superintendent, Northern Railway,
Divisional Hospital,
Delhi

...Respondent

(By Advocate: Shri M.S. Reen)

ORDER (Oral)**Hon'ble Mr. R.N. Singh, Member (J):**

MA No.2360/2020 has been filed on behalf of the respondents in OA seeking condonation of delay of 9 days in filing of the review application.

2. Learned counsel for the review applicants argued that the Order/Judgment dated 30.01.2020, sought to be reviewed by the accompanying review application, was received by the review applicants on 12.02.2020, the same was considered by the Competent Authority and the decision was taken to approach this Tribunal by way of a review application. However, the review application could not be filed on time due to prevailing pandemic situation on account of Covid-19. There was a lockdown in the Government during 21.03.2020 till filing of the present MA i.e. in November 2020.

3. It is not in dispute that Hon'ble Supreme Court vide order dated 08.03.2021, has extended the period of limitation.



4. Issue notice. Shri M.S. Reen, learned counsel for the applicants in OA accepts notice.

5. For the reasons given therein in the MA and precisely noted herein above and also keeping in view the judgment of the Hon'ble Supreme Court, MA is allowed. Delay in filing of accompanying RA is condoned.

RA No. 90/2020

Learned counsel for the review applicants has argued that the present RA has been filed basically on two grounds, i.e. as the Tribunal has dismissed the OA, serious prejudice has been cause to the review applicants (Department). However, learned counsel for the review applicant is not able to indicate anything as to how the review applicants will suffer anything on account of dismissal of the OA filed by the applicant.

2. The second ground for seeking review of the aforesaid Order/Judgment is that the same is in contravention of the Order/Judgment dated 30.06.2020 in the case of V.S.Tyagi Vs. Northern Railway. Neither the case number nor any



citation has been referred to in the review application nor has been informed during the course of oral hearing.

3. It is also argued that the judgment is in violation of a law laid down by Hon'ble Apex Court and in various cases, including in the case of ***Union of India Vs. K.V. Jankiraman*** reported in ***AIR 1991 SC 2010***. The review applicants have themselves quoted that in K.V. Jankiraman (Supra), it has been ruled by the Hon'ble Supreme Court that where the incumbent was willing to work but was denied the opportunity to work for no fault of him, he is entitled to the payment of arrears of salary. However, it is neither argued nor indicated in the present Review Application as to how the judgment of Hon'ble Apex Court in K.V. Jankiraman (Supra) has been violated by this Tribunal while passing impugned judgment inasmuch as the Tribunal has considered the law laid down by the Hon'ble Apex Court and in K.V. Jankiraman (Supra) to this effect and has also record the same in last but one paragraph of the impugned Order/Judgment.



4. In the aforesaid facts and circumstances, we do not find any merit in the RA and accordingly, the same is dismissed. However, the cost is made easy.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/daya/akshaya/