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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

...

R.A. No. 666-12 of 1990

IN

T.A. No. 1092 of 1987  
( W.P. 5432 of 1982 )

Shri K.N. Bhatt ... ... ... Applicant.

Versus

Union of India and others ... ... ... Respondents.

...

Hon. Mr. J.P. Sharma, J.M.

Hon. Mr. K. Obayya, A.M.

( By Hon'ble Mr. J.P. Sharma, J.M. )

The applicant has filed this review petition under Sec. 22 (iii) of the Administrative Tribunals, Act 1985 and rule 17 of the Administrative Tribunals (procedure) Rules, 1987 against the judgment dated 10.8.1990, by which the T.A./ W.P. filed by the applicant ~~was~~ dismissed.

2. Along with this review application, an affidavit has also been filed along with an application for condonation of delay caused in filing of the review application with a prayer that after condonation of delay, so caused, the review application be decided on merits. We have considered the matter and proposed to disposed of the application by circulation.

3. The limitation provided for moving an application for review of judgment or an order of the Tribunal is 30 days. In this case, the judgment was delivered on 10.8.1990 and the review application, as per report of the registry, has been filed on 10.12.1990. The applicant himself has stated that the copy of the judgment was ready on 24.8.1990. The applicant has further stated that

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Shri S.N. Shukla, his counsel, got the copy on 13.9.1990. The review application, therefore, is barred by time and as such, unless the delay in filing the review application is not condoned, the review application can not be decided on merit.

4. In order to <sup>condone</sup> ~~condonation~~ of delay, caused by the applicant, he must have to show the reasonable and sufficient cause by which he was prevented from filing the review application in time and if, the same is not evident or made out from the facts alleged, and further if the whole period is not duly explained then the delay caused in filing the review application can not be condoned.

5. In the affidavit accompanying the application, it appears that the said affidavit has been signed and verified at Allahabad on 18.11.1990. This affidavit, therefore, does not explain any delay caused beyond 18.11.1990 in filing this application. The review application also goes to show that it is dated 18.11.1990. The filing stamp shows that it was filed in the registry on 10.12.1990. Thus, period from 18.11.1990 to 10.12.1990 has not, at all, been explained, nor there is any prayer to condone the delay.

6. In view of the above, we are of the opinion that the applicant has not made out a case for condoning the delay for filing the review application and the application

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for condonation of delay, so also the review application  
are dismissed as barred by time.

*Abeyal*  
Member (A)

Allahabad.

Dated /- 19.2.1991

(n.u.)

*James*  
Member (J)

19/2/91