

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Misc. Review Application No. 3009 of 1992

In

Original Application 241 of 1992

Surya Prakash

... Applicant

Versus

Union of India and Ors.

... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C.

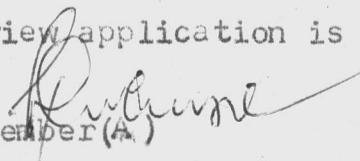
Hon. Mr. K. Obayya, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The review application has been sought on the enunciation of legal position by the Hon'ble Supreme Court of India. The case has been decided by hearing the counsel for both the parties and thereafter the suspension order was quashed. The respondents in the review application themselves stated that subsequently the Supreme Court decided the case of Nelson Motis Vs. Union of India (1991 SC Cases L&S pg 13) which was decided on 2.9.92 whereas this judgment was given on 27.7.92 and the view which has been taken by this Tribunal is against the decision of the Supreme

Court in Nelson Motis case referred to above. The said judgment was not brought to our notice. May it be, by that time it was not published in any Journal. The case was decided in the month of July and the review application has been filed in the month of December 1992. The review application is liable to be dismissed on the ground of limitation itself as the explanation which was given by the respondents who moved the review application that they have collected courage to approach this Tribunal after the settling of the legal position by the Supreme Court. There is no ground for condoning delay and the application is liable to be rejected even on merit, merely because a legal position enunciated by the Supreme court and the same was not brought to the notice of the Tribunal earlier. Some opinion to the contrary were made as the relevant rule existed ^{w/} by itself not be a ground for review or recalling the order.

2. We have only quashed the suspension order. It is for the respondents to pass suspension order with retrospective effect and it is not a matter in which our judgment is to be recalled on the ground of subsequent discovery of a ruling which was in existence. Accordingly, the review application is liable to be rejected on merit also. The review application is rejected.


Member (A)


Vice Chairman

Dated: 5.5.93