

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO.: Review Application 4/2 d 1994
T.A. NO.: 07/314 d 1992

DATE OF DECISION: 25/4/95

--- Smita Verma --- PETITIONER(S)

--- Sn. P. C. Pachar --- ADVOCATE FOR THE PETITIONER

V E R S U S

--- U O Land Officer --- RESPONDENT (S)


--- Sn. P. Mathur --- ADVOCATE OF THE RESPONDENTS

C O R A M

The Hon'ble Mr. Justice B. C. Saksena

The Hon'ble Mr. S. Das Gupta

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to all other Bench ?


SIGNATURE

MANISH

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Review Application No.4/2 of 1994
(On Behalf of Respondents, Union of India & others)
IN

O.A. No. 314 of 1992

Dated: 25th April March, 1995.

Sunita Verma.

... Applicant.

(By Advocate Sri R.G. Padia)

VERSUS

Union of India
and others.

... Respondents.

(By Advocate Sri P. Mathura)

Hon. Mr. Justice ,B.C. Saksena, V.C.
Hon. Mr. S. Das Gupta, Member (A)

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

This application has been filed under Sec.22 (f) of the Administrative Tribunals Act, 1985 seeking a review of the judgment and order dated 10.11.1993 by which a Single Member Bench of this Tribunal allowed O.A. No. 314 of 1992. The operative portion of the said order reads as follows;

" In view of the discussion aforesaid, this petition is allowed. The order impugned dated 21.3.1988 is hereby quashed and the respondents are directed to appoint the petitioner in a suitable post in Class-III category having regard to her qualifications within a period of 3 months from the date of communication of this order."

2. The aforesaid order is sought to be reviewed on the ground that on inquiry, it has been

found that the applicant got married during the pendency of the O.A. before this Tribunal. It has been averred that on receipt of the order, the matter was further processed at the divisional headquarters level and the Senior Welfare Inspector was deputed to complete the formalities. It has further been ~~also~~ averred that the said Senior Welfare Inspector has reported that he was informed by one Smt. Sudha Asthana wife of the elder brother of the applicant's husband that the applicant got married at Jaunpur during the pendency of the Original Application which was allowed in her favour. A copy of the report of the said welfare inspector has been placed as Annexure- 2 to the review application. It has been submitted by the respondents, who are the present applicant in the review application, that the fact of marriage of the applicant required serious ~~consideration~~ ^{warrant} attention of this Tribunal and would ~~not~~ ^{warrant} review of the judgment and order already passed. In view of the fact that the applicant's marriage came to ~~the~~ their knowledge only subsequently.

3. The applicant in the O.A. has filed a counter affidavit to the review application. Though, there is no specific denial of the allegations that she got married during the pendency of the Original Application, she has submitted that the review application is not maintainable and that there was

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no question of completing any formalities after specific order has been passed by the Tribunal directing the respondents to provide her employment on compassionate ground.

4. The review application was filed on 10.2.1994. Since the judgment and order of which review has been sought was passed on 10.11.1993 and was communicated shortly thereafter to the respondents, the review application was not filed within the period of limitation. The erstwhile respondents and the present applicants in the review application have filed a delay condonation application along with the review application. It has been submitted therein that in view of the facts averred in the review application, the delay in filing the said application ^{be} ~~be~~ condoned. It would ~~be~~ ^{have} appeared from the averments made in the review application that the delay has been caused by the respondents in the O.A. ^{by} ~~by~~ undertaking an inquiry into ^{the} ~~the~~ marital status of the applicant. The direction given by ^{the} ~~the~~ Tribunal in its order dated 10.11.1993 is absolutely clear and unambiguous. It directed the respondents to appoint the petitioner ~~on~~ ⁱⁿ a suitable post in Class-III category having regard to her qualifications ^{and} ~~and~~ that was required ^{of} ~~of~~ the respondents ^{to} ~~to~~ ascertain the qualifications of the applicant and to offer her a job commensurate with her qualification in Class-III category ^{and not} ~~and not~~ to undertake an investigation with regard to the suitability of the applicant on any ground except her

qualifications and least of all into her marital status. In view of this, the reasons for delay are ~~in~~ ^{not} ~~very~~ convincing and cannot be condoned. The review application is, therefore, liable to be dismissed on the ground of limitation, ~~alone~~ ^{alone}.

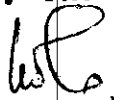
5. Apart from the delay in filing the application, we find that the only ground taken in this case for review of the earlier order is the fact of her alleged marriage during the pendency of the original application. We see no reason to enter into the controversy as to whether the applicant really got married or, if so, what would be the effect of such marriage on her eligibility to be granted ~~employment~~ ^{employment} on compassionate ground. The scope of review of an order already passed is very limited. The order already passed can be reviewed only ~~after~~ ^{if} there is an error apparent on the face of the records or if any fresh matter is brought out requiring review of the order passed provided such matter could not be brought out earlier despite due diligence. We find no error apparent in the order dated 10.11.1993 on the face of the record. The fresh fact which is now brought out is wholly irrelevant to the controversy in the Original Application.

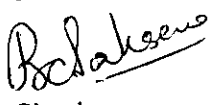
6. In view of the foregoing, we find no merit in the review application which in any case is barred

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by limitation. The said review application is therefore, dismissed. The interim order passed staying the judgment and order dated 10.11.1993 is vacated. There will be no order as to costs.


Member (A)


Vice-Chairman

(n.u.)