

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Review Petition No. 38/99 in
Original Application No.1231/97

the 12th day of JANUARY 2000

CORAM: Hon'ble Shri S.L.Jain, Member(J)

Raj Kishore Balmiki

...Applicant

V/s

Union of India and others.

...Respondents

Tribunals order on Review Petition by Circulation.

This is a Review application by the applicant in
OA 1231.97 seeking review of the order passed on 12th November
1998.

2. As per allegations of the applicant he received
information about the judgement (order) dated 12.11.1998 in the
last week of January 1999 from his counsel. Thereafter he got
papers from his counsel, contacted his Advocate Shri R.P.
Tiwari, advised to file review or file writ before the High
Court of Allahabad. The applicant some how made arrangement of
expenses, tried to contact Shri R.P.Tiwari in the third week of
February 1999, as he is an unemployed person, as Shri R.P.Tiwari
was out of station, he could not contact him. Thereafter he went
several times to the seat of Shri R.P. Tiwari Advocate for
filing the review application, as the record was in his
possession, but could not contact him, subsequently came to know
that he has shifted to Rewa (M.P.) and started practice there.

P.C. Singh ✓ ...2...

In the last week of August 1999 he could contact him, requested for return of the record of the case. He contacted another Advocate Shri Satish Twivedi Advocate after getting record from Shri R.P.Tiwari Advocate got the review petition prepared and filed the same.

3. The review petition is filed on 7.9.1999. In view of Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987, a review application is to be filed within thirty days from the date of the order of which the review is sought. Thus on perusal of the allegation of the applicant, the review application is filed after more than 7 months and 7 days even after receipt of the information of the order passed. There is nothing on record when he contacted his Advocate Shri R.P. Tiwari, when he again tried to contact Advocate Shri R.P.Tiwari, when he made repeated visits to contact him, when he received the record of the case, when he contacted Shri Satish Dwivedi Advocate.

4. It is worth mentioning that assuming it to be true that Shri R.P. Tiwari Advocate has shifted to Rewa (M.P.), it is suffice to mention that it is an adjacent district to Allahabad.

5. In the review petition in para 11 the applicant has stated that at the time of filing and hearing of the original application certain necessary documents were not available, therefore the same could not be brought before the Tribunal. The Applicant some how got the documents which is being filed

Sh. D. Tiwari ✓

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for consideration of the Hon'ble Tribunal. I have carefully examined the file and do not find that any document is filed alongwith the review application.

6. The applicant who can tell lies to this extent, does not furnish the details as mentioned in para 3 of this order, does not file the affidavit of Shri R.P.Tiwari advocate regarding late information sent to him about the order passed in the OA, His affidavit regarding condonation of delay in filing review is not worth belief. Thus the review petition deserves to be dismissed as barred by time.

7. Had I taken the view otherwise regarding condonation of delay, the applicant has not pointed out any apparent error on the face of the record which could be a ground for review of the order.

8. In the grab of review application, the matter cannot be re-heard.

9. In the result, application for delay condonation and review petitin deserves to be dismissed and is dismissed accordingly.

ALD 12/11/2000
(S.L.Jain)

Member (J)