

Orders of Honble V.C. Prepage

May be placed before  
Honble V.C. for his Lordship's  
consideration by circulation.

Shahab

15.11.02

SRJ

15/11

21.1.2003

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.SK.SRIVASTAVA, MEMBER(A)

This application has been filed for review of the order dated 12.7.1996 passed in OA No.450/96. The application has been filed on 10.7.02. The limitation for filing review application is 30 days. If the period taken in preparation of the copy is excluded which in the present case is 10 days then also the application is highly time barred. No application has been filed for condoning this long and inordinate delay. The application is thus liable to be rejected as time barred.

Further, the application has been filed on the ground that Hon'ble Supreme Court in case of Union of India Vs Mohd. Aslam, 2001 UPLBEC pg 620 has held that employees of Unit run canteens are civil servants. The explanation to sub rule 2 of Rule 1 of Order 47 CPC reads as under:-

"The fact that the decision on a question of law on which the judgment of the court is based have been reversed or modified by a subsequent decision of a superior court in any other case, shall not be a ground for review of such judgment."

Thus the review application is barred by the provisions contained in the aforesaid explanation. The review application is accordingly rejected.

MEMBER(A)

VICE CHAIRMAN