

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

R.A. NO. 39/2003 IN O.A. NO. 1193/1995

NEW DELHI THIS.../6...DAY OF JULY 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SHRI A.K. BHATNAGAR, MEMBER (J)

Filed by
Magsood Ali, Son of Sri Ali Moazzam, Working in the
Office of Income Tax Commissioner, Gorakhpur, C/o
Sri Mahmood Ali Mekrani, Alinagar, Chowk, Hazaripur
Road, Gorakhpur.

Against the order dt. 11.12.2002
in O.A.No.1193/1995

Smt. Vimlesh Chhibber Applicant

Versus

Union of India and Others Respondents.

O R D E R (IN CIRCULATION)

BY HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

R.A. No. 39/2003 is directed against the Tribunal's
order dated 11.12.2002, issued while disposing of the OA No.
1193/95.

2. M.A. No. 2213/2003 is also filed by the
applicant seeking impleadment as the respondent.

3. We have carefully considered the matter. O.A.
No. 1193/95 filed by Ms Vimlesh Chhibber, seeking
regularisation as Stenographer Grade II, from her initial
date of appointment, was allowed by us on 11.12.02. Review
Application No...22/2003..., filed by the respondents has
also been rejected on 30.06.03. Now the present applicant
has come up stating that he should have been impleaded as a
respondent, which was not done by the applicant and that the
Tribunal should do it now and thereafter take up the review
matter. There is no provision under AT Act 1985 or the
rules thereunder which provides for permitting impleadment
of any party long after the relevant OA has been disposed

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of. The review applicant's plea that he was not aware of this OA is a bit strange as it has been pending disposal for the last seven years. He cannot expect that the Tribunal should have woken him up from his deep slumber and implead him as a respondent. The request has no merits and has to be rejected. Review Application filed by the applicant has necessarily to follow suit. Still we had examined it and we find that the RA is only an attempt to re-argue the matter on merits, ^{which} falls outside the scope of review in terms of Section 22(3) (b) of the AT Act 1985. Such an exercise is also frowned upon by the Hon'ble Supreme Court in the case of Avtar Singh Sekhon Vs UOI & Others[1980 SC 2041] Review Application therefore has to fail.

4. R.A. No. 39/2003 is rejected in circulation.

(A.K. Bhatnagar)
Member (J)

Patwal/

Govindan S Tampi
Member (A)

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