

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD**

Review Application No. 56 of 2006

IN

Original Application No.1456 of 1998.

Allahabad, this the 7th day of January, 2008.

**Hon'ble Mr. Justice Khem Karan, V.C.
Hon'ble Mr. K.S. Menon, Member (A)**

1. Union of India through General Manager, N.C.R., Allahabad.
2. D.R.M. (Personnel), N.C.R., Allahabad.
3. Sr. Divisional Electrical Engineer, Electrical Loco Shed, North Central Railway, Jhansi

..Applicants.

(By Advocate : Sri Ravi Ranjan

Versus

1. Ram Babu Khare, S/o Sri Prabhu Dayal Khare, R/o 949-A, RB-I, TRS Colony, Nagra, Jhansi.
2. Nand Kishore Goswami, S/o Sri Govind Das, R/o C/o Sri Ram Babu Khare, R/o 949-A, RB-I, TRS Colony, Nagra, Jhansi.

Respondents

By Advocate: Sri Amit Kumar.

O R D E R

By Justice Khem Karan, V.C.

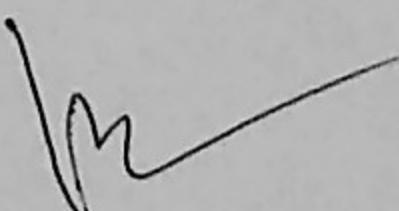
We have heard Sri Ravi Ranjan, appearing for the applicants and Sri Amit Kumar for the respondents on this Review Petition, for reviewing the order dated 25.5.2006 passed in O.A. no. 1456 of 1998.

2. This Review Petition was filed after expiry of the period of limitation, but with an application

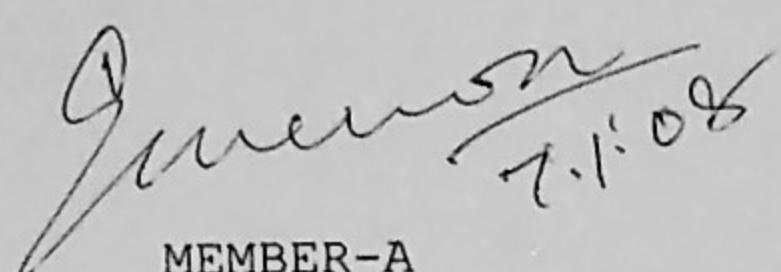
under Section 5 of Limitation Act for condoning the delay. Sri Amit Kumar appearing for the respondents in the Review Petition, has contended that this Tribunal has no power to condone the delay in filing the Review Application and more over the controversy which was involved in the O.A. has finally been settled by the Apex Court in a recent decision reported in JT {2007} 5 SC 134. On the other hand, Sri Ravi Ranjan has submitted that this Tribunal has power to condone the delay and the orders sought to be reviewed, is suffering from various errors which deserve to be rectified.

3. ^A ~~The~~ Full Bench of Andhra Pradesh High Court in the case of **G. Narsimha Rao Vs. Regional Director of Schools of Education reported in 2005 (2) ALT 469 = 2005(2) CTC 426** has held that the Tribunal has no power to condone the delay in filing the Review Petition under Rule 17 by taking the aid of Section 21(3) of the Act or Section 29 (2) of the Limitation Act 1963. We do not think that we require any further judicial requirement to say that the Tribunal has no power to condone the delay in filing the Review Petition, though Sri Amit Kumar has referred ^A ~~The~~ decision reported in 1997 (6) SCC 43 to say that the Tribunal has no power to condone the delay.

4. In view of the decision rendered by Andhra Pradesh High Court, the application for condonation



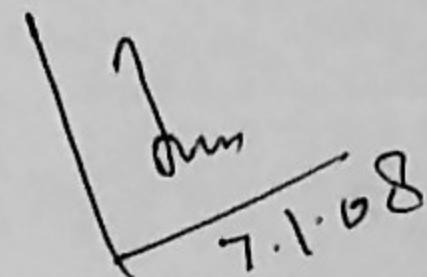
of delay in filing Review Petition is rejected as the Tribunal has no power to condone the delay and consequently Review Petition is dismissed as time barred.



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MEMBER-A

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VICE CHAIRMAN