

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ALLAHABAD BENCH
ALLAHABAD

REVIEW APPLICATION NO.9/2007
IN
O.A.NO.1142/2006
with M.A.Nos.200 & 201/2007

(3)

Date of Order :23-07-2007

Between:-

1. Union of India, through General Manager,
North East Railway, Gorakhpur.
2. Divisional Railway Manager,
North Eastern Railway, Varanasi.
3. Divisional Mechanical Engineer (Power),
North East Railway, Varanasi.
4. Asst. Mechanical Engineer (Power),
North East Railway, Varanasi.
5. Section Engineer (Loco)
North Eastern Railway, Mau.

....Applicants/Respondents

And

Shri Badhu S/o Late Chokat Prasad,
R/o Vill. Pipra Najeer, Post- Salempur,
Distt. Deoria.

....Respondent/Applicant

Counsel for the Applicants : Sri Prashant Mathur

Counsel for the Respondent : Sri A. Vijai

CORAM:

THE HON'BLE SRI K. ELANGO : MEMBER (J)

THE HON'BLE SRI M. JAYARAMAN : MEMBER (A)

ORDER

By Hon'ble Sri M. Jayaraman, Member (A))

The present Review Application No. 9/07 has been filed against the Order dated 14.11.2006 passed in OA 1142/2006 mainly on the ground that the Hon'ble Tribunal has directed the Respondent No.3 to consider the appeal of

the applicant in the OA and pass a reasoned and speaking order within a period of two months from the date of receipt of copy of the order whereas, according to the respondents to the OA (applicants in the present RA) the applicant in the OA had placed wrong facts before the Hon'ble Tribunal that he made appeal to the higher authorities in July 1999 and on the basis of the same the Hon'ble Tribunal disposed of the OA by giving directions as above. It is submitted that the applicant had not preferred any appeal dated 2.7.1999 and there was no occasion for the competent authority to have considered the alleged appeal or to pass a reasoned and speaking order thereon.

2. It is seen that the certified copy of the above Order was issued on 21.11.2006 and the same must have been received by the applicants about 10 days thereafter i.e., by 30.11.2006 or so. But the Review Application has been filed on 17.1.2007 only. Thus, there is delay in filing this Review Application. Accordingly, the applicants have also filed a Miscellaneous Application No.200/2007 for condonation of delay in filing this Review Application. They have also filed M.A.No.201/2007 to stay the operation of the order.

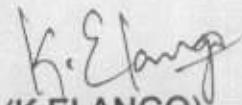
3. We have given our careful consideration to all the facts herein and we have also considered the pleadings made before us. We find that the Full Bench of the Hon'ble High Court of Andhra Pradesh, vide its order dated 19.11.2003 in W.P.No.21734/98 in the case of **G.Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and others in WP No.21734/98, reported in 2005 (2) ALT 469 (FB)**, has held that the Tribunal will not have jurisdiction to condone any delay in filing Review Petition by taking aid and assistance of either Section 21(3) of the Act or Section 29(2) of the Limitation Act". Accordingly, the Review Application is not maintainable and is liable to be dismissed.

4. In view of the above, we dismiss the Review Application No.09/2007, together with the Miscellaneous Application No.200/2007 and M.A.No.201/2007. There shall be no order as to costs.



(M.JAYARAMAN)

MEMBER (ADMN.)



(K.ELANGO)

MEMBER (J)

vsn