

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

REVIEW APPLICATION NO.19 OF 2007

IN

ORIGINAL APPLICATION NO.1249 OF 2000

ALLAHABAD THIS THE 29th DAY OF Feb 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. K. S. MENON, MEMBER-A

1. Union of India,
through Secretary,
M/O Telecom, New Delhi.
2. The Post Master General,
Allahabad Region, Allahabad.
3. The Director, Postal Services,
Allahabad.
4. Superintendent of Post Offices,
West Region, Varanasi.

..... Applicants (In Review)

By Advocate : Shri Saumitra Singh

Versus

Sri Ghanshyam Yadav,
S/o Sri Murlidhar yadav,
R/O Vill. Kador, P.O. Kador under the
Post Office Suriyavan,
District-Sant Ravidas Nagar,
Bhadohi.

..... Respondent (In Review)

By Advocate : Sri S. K. Pandey

ORDER

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

This Review Application is filed to review the order dated 13.12.2006 passed in OA No.1249 of 2000.

By the said order with the direction to the respondents the OA was allowed.

2. This Review application was filed on 07.03.2007 with an application for condonation of delay in filing

the review application. It is stated in the condonation of delay application that the respondents authorities contacted the senior standing counsel, Government of India, CAT Allahabad for legal opinion and for necessary action in the matter, the Senior Standing Counsel by his opinion dated 25.01.2007 has raised certain errors on the face of the records, and therefore advised to file the review petition and therefore decided to file a review petition against the impugned order. It is stated that the delay in filing the review application is neither intentional nor deliberate but was due to correspondence between the authorities, and as such prayed for condoning the delay in filing the review application.

3. On notice the respondents have filed the objection to the condonation of delay application and also to the review application. It is stated by the respondents that the review application was filed after the period of limitation prescribed i.e. 30 days from the date of the order passed, as such it is barred by limitation, and further it is stated that the reasons and the explanations given by the applicant in support of the condonation of delay application does not deserve any sympathy to condone the delay and further are not sufficient grounds to condone the delay in the absence of the same application itself is not maintainable under law for condoning the delay in filing the review application and sought for the dismissal for the same.

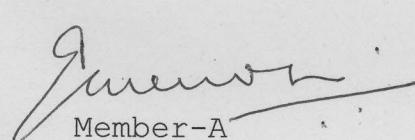


4. We have heard the learned counsel for the parties and perused the pleadings and the materials on record and heard with regard to the maintainability of the application filed for condonation of delay. The learned counsel for the applicant submits that this application is maintainable in view of the order passed in the contempt petition on 23.02.2007, by the said order two weeks time was granted to the applicant (respondents in the contempt petition) to comply with the direction of the Tribunal, therefore, it is submitted that it is within time and the review application is maintainable. This contention of the learned counsel for the applicant cannot be accepted, as the order passed in the contempt petition is dated 23.02.2007, on the other hand it is an admitted fact that this review application was filed on 07.03.2007 with an application for condonation of delay which is on the face of it more than 30 days as stated by the applicant himself in the condonation of application as the copy of the order was prepared on 15.12.2006, inspite of that the applicants have chosen to file the review application within the time prescribed for filing the same, in the absence of the same the applicants have filed the review application along with the condonation of delay application which clearly goes to show that this review application filed beyond the period of limitation prescribed for filing the review application and accordingly the same is not maintainable in law. This view of ours

supported by the decision passed by this Tribunal in Review application no. 56 of 2006 dated 07.02.2008 in which it is held that the review petition which was filed after the expiry of the period of limitation with an application for condonation of delay in filing the review petition is not maintainable, and the Tribunal has no power to condone the delay in filing the review petition. This aforesaid order of this Tribunal is based on the Full Bench decision of the Andra Pradesh High Court at Hyderabad in the case of G. Narasimha Rao Vs. Regional Director of Schools of Education reported in 2005 (2) ALT 469 (F.B.)= 2005(2) CTC 426 and accordingly passed the above order.

5. In view of the above, accepting the contention of the respondents regarding the maintainability of the application for condonation of delay in filing the review application is accepted by rejecting the contention of the applicant.

6. In view of the foregoing reasons the application for condonation of delay in filing the delay condonation application is held not maintainable and consequently the said application is dismissed and that of the review application also.



Member-A



Member-J

/ns/