

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Review Application No. 36 of 2007 in
Original Application No. 854 of 1999**

Wednesday, this the 9th day of May, 2007

**Hon'ble Mr. Ashok S. Karamadi, J.M.
Hon'ble Mr. K.S. Menon, A.M.**

**Review Application No.36 of 2007
(against the Order dated 26.07.2000)**

Shiv Shanker Tewari

**Review Applicant
(respondent no.4 in the O.A.)**

In

O.A. No. 854 of 1999

Smt. Bindu Singh

Applicant

Versus

Union of India and others

Respondents

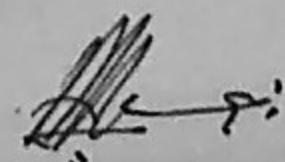
By Advocate Sri S.K. Pandey (Counsel for the review applicant)
By Advocate Sri Saumitra Singh (Counsel for the respondents)

ORDER

By Ashok S. Karamadi, J.M.

This Review Application is filed on 11.03.2007 against the Order dated 26.07.2000. Admittedly, there is delay as it is now under the law the Review Application can be filed under the period of 30 days but this Review Application is filed alongwith condonation of delay application, stating the grounds for condonation of delay, which are as under: -

That firstly the official respondents have filed the Review Application before this Tribunal against the Order dated 26.07.2000, therefore, the review applicant has not taken steps at that time. Subsequently a Writ Petition No.30640 of 2001 was filed by the applicant in O.A. before the High Court. The Review Applicant made a query on 09.03.2007 about the status of the Writ Petition and it is revealed that the aforesaid Writ Petition was dismissed as withdrawn. Under these circumstances, the applicant has submitted that under the bonafide belief, he did not file the review application in time.



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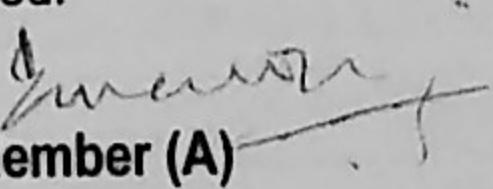
On the other hand, learned counsel for the respondents submitted that this Review Application is belated one and, therefore, it is not maintainable. Accordingly on the ground of limitation, as per the respondents, the Review Application should be dismissed.

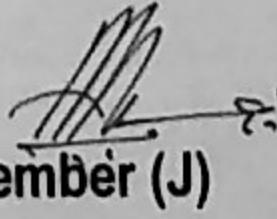
2. In the Review Application, the applicant has submitted that he was offered the post of Extra Departmental Branch Post Master after following the due process of selection. It is also submitted by the applicant that the Judgment passed by this Tribunal in O.A. No.854 of 1999 is not correct as he was not given opportunity to place the relevant material on record. Under these circumstances, he sought to review the Order dated 26.07.2000.

3. Heard, Counsel for the parties and perused the available material on record.

4. We first take the application for condonation of delay in filing the Review Application. After perusing the grounds, we are of the view that the applicant should take steps at that time when the Order was passed as he was aware of the Order passed by this Tribunal. Even though Order dated 26.07.2000 affects his interest badly, he has not come forward at the appropriate time. If one thing is settled, the same cannot be unsettled after a period of long delay. The learned counsel for the applicant has also placed reliance on the Full Bench Judgment (CAT) 1986-89 Vol. (1) Page 135- John Lucas Vs. Additional Chief Mechanical Engineer S.C. Railway & Ors.. The aforesaid Judgment is with regard to scope of review and it does not disclose that after how much delay, the applicant in the aforesaid case has approached the Court. We also find no good reason to review the Order dated 26.07.2000 as there is no error apparent on the face of record.

5. In view of foregoing reasons, we do not find good reason to condone the delay and accordingly the delay application and Review Application are dismissed.


Member (A)


Member (J)

/M.M./