

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

REVIEW APPLICATION NO.58 OF 2007
WITH
MISCELLANEOUS APPLICATION NO.1266 OF 2007
FOR CONDONATION OF DELAY
IN
O.A.No.1267 of 2006

WEDNESDAY, THIS THE 2nd DAY OF August 2007

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN

HON'BLE MR. M.JAYARAMAN, MEMBER (A)

1. Union of India through Secretary to the
Ministry of Central Excise and Customs,
Govt. of India, New Delhi,
2. The Central Excise Commissioner, Allahabad,
3. The Addl. Commissioner (CCO),
Customs and Central Excise, Meerut Zone, Meerut,
4. The Assistant Commissioner,
Central Excise Division, Bareilly.

APPLICANTS

Vs.

Shri Shiv Shankar Lal,
S/o Sundar Shyam,
R/o Nawab Ka Thera, Bhoor, Bareilly,
LDC posted in the office of Assistant Collector,
(Excise), Bareilly.

RESPONDENT

ORDER

By Mr. M.Jayaraman, Member (Admn.)

The present Review Application No.58/2007 has been filed mainly on the ground that this Tribunal, by Order dated 14.2.2007 passed in the above OA No.1267/2006, has directed the 4th Respondent to consider and dispose of the representation dated 27.10.2006 (Annexure 15 to the OA) of the applicant in accordance with the rules/orders on the subject within a period of three months from the date the certified copy of the order together with a copy of the OA and Annexure-15 is produced before him, whereas the representation dated 27.10.2006 was addressed to the Assistant Commissioner, Central Excise Department, Bareilly, 4th respondent, and the applicant in the above OA being an LDC and thus belongs to Group-C category, it would be the Commissioner, Central Excise, Kanpur, being the Cadre Controlling Authority, who is the competent authority to take any suitable decision in the matter of the applicant. Accordingly, a prayer has been made to review the decision already communicated as above. Since the order dated 27.2.2007 was received by the respondents on 1.3.2007 and the Review Application has been filed in the Registry only on 7.6.2007, there appears to be a delay in filing the Review Application. Accordingly, the applicants have filed Civil Miscellaneous Application No.1266/2007 for condonation of the delay in filing the present Review Application.

2. We have given our careful consideration to all the facts herein and we have also considered the pleadings made before us.

3. 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 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.

3. In view of the above, the Review Application No.58/2007, together with the Miscellaneous Application No.1266/2007, are dismissed. There shall be no order as to costs.



(M.JAYARAMAN)

MEMBER (ADMN.)



(KHEM KARAN)

VICE CHAIRMAN