

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ALLAHABAD BENCH
ALLAHABAD

REVIEW APPLICATION NO.69/2007

IN

O.A.NO.1320/2003
with M.A.No.1567/2007

Date of Order :19-09-2007

Between:-

1. Union of India, through the General Manager,
North Eastern Railway, Gorakhpur,
2. The Divisional Railway Manager,
N.E.Railway, Varanasi,
3. The Station Superintendent,
Faraiha Railway Station, N.E.R.,
Azamgarh,
4. The Chief Medical Superintendent,
Division Hospital, N.E.Railway,
Varanasi,

....Applicants/Respondents

And

Shri Mohammad Islam,
S/o Sri Jhinku,
R/o Village – Fariha, Post Faria,
District Azamgarh.

....Respondent/Applicant

Counsel for the Applicants : Sri Anil Kumar,

Counsel for the Respondent : Sri S.A.Azmi,

CORAM:

THE HON'BLE DR. K.B.S.RAJAN, : MEMBER (J)

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

ORDER

By Hon'ble Sri M. Jayaraman, Member (A))
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This Review Application No. 69/07 has been filed by the Union of India and others (Applicants in the present RA) praying for review of the final order dated 22.3.2007 passed in OA No. 1320/2003 on the ground that the applicant in the OA

namely, Shri Mohammad Islam had already been imposed the punishment of removal from service vide order dated 25.7.2005, a copy of which was annexed as Annexure-II to the review application and that there is an error apparent on record which requires the order to be reviewed.


2. It is seen from the record the the impugned order dated 22.3.2007 passed in OA 1320/03 was ^{received by the applicants on} ~~issued on~~ 10.4.2007. However, the Review Application No.69/2007 has been filed only on 25.7.2007 in the Registry of the Bench. Thus there is delay in filing the Review Application and accordingly the applicants have also filed M.A.No.1567/2007 seeking condonation of the delay in filing the RA.

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.69/2007, together with the Miscellaneous Application No.1567/2007. There shall be no order as to costs.


(M.JAYARAMAN)

MEMBER (ADMN.)


(Dr. K.B.S.RAJAN)

MEMBER (JUDL.)