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સુલભ (માર્કિયા) નિયમાનુભૂતિ નિયમ ૩૩ કુલાંગ લિ: સુલભ પ્રા

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

Review Application No. 290/00046/2014
With MA No.290/00178/2014 and 290/00191/2014
In
Original Application No. 213/2013

Date of decision: 22.04.2014

CORAM:

HON'BLE MR.JUSTICE K.C.JOSHI, JUDL. MEMBER
HON'BLE Ms MEENAKSHI HOOJA, ADM. MEMBER

1. Union of India through the Secretary, Government of India, Ministry of Communication and Information Technology, Department of Posts, Sanchar Bhawan, New Delhi.
2. The Director of Postal Services, O/o Post Master General, Rajasthan Southern Region, Ajmer.
3. The Superintendent of Post Offices, Chittorgarh Division, Chittorgarh.

...Applicants/Respondents in OA

(By Advocate Ms K.Parveen)

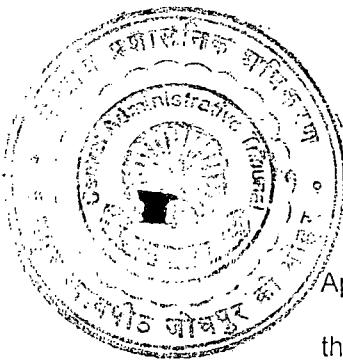
Vs.

1. V.P.Meena s/o Shri Deoji Meena, r/o 1-J-10, Hiram Magri, Sector-5, Udaipur-313002.

...Respondent/Applicant in OA

O R D E R (By circulation)

In this Review Application, the applicants have filed a Misc. Application No.290/00178/2014 for condonation of delay. We have perused the Misc. Application for condonation of delay in filing the Review Application. To decide any case on merit always advances cause of justice and rather to decide such an application on technical grounds of delay, it would be better to decide the case on merit. Therefore, in view of facts



narrated in the application, we are allowing the application for condonation of delay.

2. The Review Application bearing No. 290/00046/2014 has been filed by the Union of India to review the order passed in OA No. 213/2013 on 27.1.2014 by which the respondents were directed to finalize the inquiry by passing an appropriate order within 3 months from the date of receipt of the order and the applicant was directed to file representation for claim of interest on leave encashment.

3. We have perused the Review Application and the judgment under review. We do not find any error in the judgment which can be said to be apparent on the face of record. In fact by way of this application, the applicants have challenged the legality of the order on merits, but in our considered view, while deciding this issue by way of review shall in effect touch the merit of the case, which does not come within the purview of Order 47 Rule 1 CPC.

4. Consequently, there appears no need to issue notices on the Review Application and the same is dismissed by circulation.

5. In view of the order passed in the Review Application, the Misc. Application No.290/00191/2014 praying to stay operation and execution of the order passed in the OA has become infructuous and the same is accordingly dismissed.

COMPARED &
CHECKED



Sd
[Meenakshi Hooja]
Administrative Member

Sd
[K.C. Joshi]
Judicial Member

CERTIFIED TRUE COPY
Dated: 25/4/2014

D.P. Sharma
D.P. Sharma (P.M.)
Deputy Commissioner (Judi.)
& Legal Advisor
General Administrative Deptt.
Govt. of N.H.R.D.
Deputy Commissioner, Jodhpur