

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

R.A. 53/2005

In O.A. 288/98

Lucknow this the ^{30th} day of ~~June~~^{August}, 2005

HON. SHRI S.P. ARYA, MEMBER (A)

HON. SHRI M.L. SAHNI, MEMBER (J)

Intizar Husain

....Applicant

By Advocate Shri R.S. Gupta

Vs.

Union of India and others

...Respondents

Order

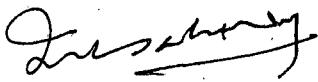
By M.L. SAHNI, Member (J)

1. The original applicant of O.A. 288/98 has filed Review application No. 53 of 2005 under circulation rules alongwith Misc. Application No. 1892/05 requesting for condonation of delay in filing the Review application whereby recall of judgment and order dated 25.4.05 has been sought for.
2. Clause (i) of Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987 provide that no petition for review shall be entertained unless it is filed within 30 days from the date of order of which the review is sought.
3. It is held by the Full Bench of Hon'ble Andhra Pradesh High Court that the Administrative Tribunals Act and the Rules made thereunder give no power to the Tribunal to condone the delay and hence the Central Administrative Tribunal has no jurisdiction to condone the delay.
4. Section 5 of the Limitation Act provides for condonation of delay in moving certain applications for the reasons stated therein, yet in the case of G. Narsimha Rao vs. Regional Joint Director of School Education, Warrangal and others (2005 (4) SLR 720) it has been held

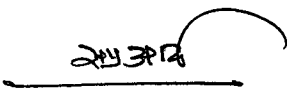
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that provision of Section 5 of Limitation Act, 1963 is not applicable to the Review applications, therefore, the request for condonation of delay made by the applicant is not tenable in law. Even otherwise, the applicant has failed to file any Affidavit with regard to the averments made in the application about the reasons for not filing the Review Petition within time. The order and judgment, recall of which is being sought is dated 25.4.05 and the present Review application has been filed on 29.8.05. The explanation given for not approaching the Tribunal in time is stated to be illness of the applicant from 25.5.05 to 24.8.05. Assuming that the applicant remained under the treatment of Doctor R.A. Khan as per Annexure No. 1 from 25.5.05 to 24.8.05 (Annexure 1), delay in this case cannot be condoned in view of the law as laid down in G. Narsimha Rao (Supra) cited above.

5. M.A. 1892/05 is, therefore, liable to be rejected. Consequently, the Review Application No. 53/05 also stands dismissed.


(M.L.SAHNI)
Member(J)

s.a.


(S.P. ARYA)
Member (A)

OR.
Copy of order
prepared on 31/8/05
31/8/05