

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.5/2008

In

Original Application No.263/2007

This the 9th day of May 2008.

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Union of India

...Applicant.

By Advocate: Shri Rajendra Singh.

Versus.

Vinay Mishra

.... Respondents.

By Advocate: None.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The petitioner, who are the respondents in the OA have filed this Review application to Review / Clarification / Modification of the order and judgment of this Tribunal Dt.06.11.2007, on the ground that the authorities have effected the transfer of the respondents as per revised transfer policy, 2007 and also on the representation of the applicant, the authorities have also reviewed the same and rejected the same on administrative reasons upholding the decision of the Tribunal. The applicant has also filed review along with an application for condonation of delay in filing review application without furnishing any of the details of delay.



2. The matter has been taken under Circulation.
3. The points for consideration whether the applicant is entitled for review of the orders passed in O.A.No.263/2007 Dt. 06.11.2007 of by condoning the delay in filing such review application.
4. The admitted facts of the case are that the respondent herein is the applicant in the OA, who filed OA challenging the impugned transfer order Dt. 11.05.2007 (Annexure-1), transferring him from Regional Officer, Lucknow to Regional Officer, Chandigarh and also the order Dt. 14.06.2007 covered under Annexure-2 and Dt.10.07.2007 covered under Annexure-CR-2, under which the representation of the applicant for cancellation of the transfer has been rejected.
5. After exchange of pleadings and after hearing both side Advocates, this Tribunal allowed the claim of the applicant and thus, quashed the impugned transfer order Annexure-A-1 Dt. 11.5.2007 and rejection order Dt. 14.06.2007 Annexure-2 by it's order and judgment Dt. 06.11.2007.
6. Thereafter, the respondents in the OA have filed this Review application on 06.02.2008 along with an application for condonation of delay in filing review application, which does not contain any of the details in respect of delay in filing review application and also any of the grounds for such delay.
7. As per the Rule-17 of Central Administrative (Procedure) Rules, 1987, the limitation prescribed for filing review application is only 30 days from the date of the copy. But in the instant case, the petitioners / respondents have contested the matter and thereafter,

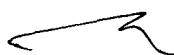


this Tribunal has passed the order and judgment on 06.11.2007. But they have filed this review application on 06.02.2008 i.e. after three months and they have not furnished any reasons for causing such delay in filing such review application. Admittedly, no condonation of delay is permissible in review applications and further, without any of the grounds entertaining the review application is not at all maintainable.

8. The petitioners/ respondents have filed this review application stating that they have effected the transfer of the applicant as per the transfer policy and also subsequently rejected by giving reasons, which are all discussed in the judgment and thereafter, only this Tribunal has given finding in respect of the validity of such impugned order Annexure-A-1 and Annexure-A-2.

9. In such circumstances again re-agitating on the same grounds, which the Tribunal discussed in the judgment is not at all justified for the purposes of review and on that ground the petition is not at all maintainable.

10. By way of review one can seek the review of judgment and order in respect of any typographical mistake, error or calculation mistake but not by way of re-adjudicating the case afresh and as such, the claim of the petitioners/ respondents for review of the order and judgment Dt. 06.11.2007 of this Tribunal is not at all maintainable and thus, liable for dismissal.



In the result, the application for review of judgment Dt. 06.11.2007 and also application for condonation of delay in filing Review applicant are dismissed. No costs.

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(M. KANTHAIAH)
MEMBER (J)
09.05.08

/ak/