

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

Review Application No. 13/2008 In O.A. NO: 561 /2006 (S.B)

Lucknow this, the 16th day of May, 2008.

Hon'ble Mr. M. Kanthaiah, Member(J)

Manoj Kumar Sharma aged about 21 years s/o Late Sri Ram Sewak R/o 538 Kha/652, Shiv nagar Badi Pakaria Sitapur Road Lucknow.

By Advocate Sri : Sri K. Bajpai

Applicant.

Versus

1. The Central Drug Research Institute Chhattar Manzil Palace Lucknow through the administrative controller.
2. The CSIR, Lucknow through its Director General.
3. The Director Central Drug Research Institute Lucknow.

Respondents.

Order By Circulation

By Hon'ble Mr. M. Kanthaiah, Member(J):

The applicant has filed the review application on 7.3.2008 to review the order and judgment of this Tribunal in O.A. 561/2006 dated 19.12.2007. The applicant also filed the review application along with condonation delay application stating that there was delay of about 20 days in filing review application.

2. The matter has been taken up under circulation.
3. The admitted facts of the case are that the applicant has filed the original application to quash the impugned rejection order Annexure-1 dated 12.12.2005 under which the respondents have rejected his claim for appointment on compassionate ground. After exchange of pleadings and after hearing the arguments of both sides, this Tribunal passed judgment on 19.12.2007 dismissing the claim of the applicant for his appointment on compassionate ground and also in challenging impugned order Annexure A-1.
4. Rule 17 of CAT (Procedure) Rules 1987, prescribed the procedure for filing an application for review and it says that application for review shall be entertained unless it is filed within 30 days from the receipt of the order sought by the review. From this, it is clear that the party has to file the

review application within 30 days from the date of receipt of copy of this order and admittedly, both the parties have contested the matter and as such, they are aware of the orders of the Tribunal. There is no provision in the Rules for condoning the delay in filing review application.

5. The Full Bench decision of High Court of Andhra Pradesh reported in 2005 (4) SLR 720 between G. Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and others based on the judgment of Apex Court in 1997 (6) SCC 473 between K. Ajit Babu Vs. Union of India, it was clearly held that, the Tribunal has no jurisdiction to condone the delay in filing the review application in view of Rule 17 of CAT (Procedure) Rules 1987. In such circumstances, condoning the delay in filing review application by this Tribunal is not at all maintainable and as such, the application for condoning the delay in filing review is rejected.

6. When the condonation delay application itself is rejected going into the merits of the review application and also passing any orders on such review, is also not at all maintainable and thus the review application is also rejected without going into the merits of the same in view of rejection of condoning the delay application. Hence, the condonation delay application filed by the applicant for condoning the delay in filing the R.A. is rejected and consequently, the review application is also rejected.

v.

(M. Kanthaiah)
Member (A)

16.05.2008