

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.21/2008

In

Original Application No.219/2007 (SB)

This the 22nd day of August 2008.

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

Dinesh Kumar Pandey & OthersApplicant.

By Advocate: Shri R.K. Upadhyaya.

Versus.

Union of India & Others Respondents.

By Advocate: None.

ORDER (Under Circulation)

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

The applicants have filed this Review Petition under Section-22 (f) of Administrative Tribunal Act 1985 read with under Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987 for review of judgment and order Dt. 13.02.2008 in OA.No.219/2007 and also to issue directions to the respondents to consider the representation of the petitioners in the light of the judgment passed by the Hon'ble High Court of Allahabad in 2007 (3) ESC Page 1701 Union of India & Another Vs. Central Administrative Tribunal, Allahabad & Another. The applicant also filed M.P.No.1222/2008 to condone the delay in filing the review application.

2. The matter has been taken under Circulation.

3. The admitted facts of the case are that the applicants no. 1 to 11 have filed OA jointly stating that they have worked as Substitute



Porter under the Respondent No.5 and to issue direction to the respondents for re-engagement of the applicants and also for grant of temporary status and regularization of their services taking into account the services rendered by them on Group-D post.

4. After completion of pleadings and after hearing both the sides, this Tribunal disposed the OA with a direction to the respondents to consider the claim of the applicants covered under Annexure-8 Dt. 10.04.2006 and Annexure-9 Dt. 10.09.2006 and also treating this OA as Additional representation and dispose of their claims in accordance with existing rules and instructions of the respondents authorities with a reasoned order within a period of four months from the date of receipt of the copy of this judgment.

5. Now by way of this review application, it is the case of the applicants that they have relied on the judgment of the Hon'ble High Court of Allahabad in 2007 (3) ESC Page 1701 Union o India & Another Vs. Central Administrative Tribunal, Allahabad & Another stating that this Tribunals has not mentioned in its order regarding the above citation. The applicants have filed this Review application on 30.05.2008 i.e. after more than 3 months 16 days from the date of order of this Tribunal. The applicants have filed M.P. 1222/2008 to condone the delay in filing review application without furnishing any of the reasons for causing such delay.

6. Before touching the merits of the claim of the applicants on the review application, they have to satisfy the delay in filing the review application for condonation. Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987, no application for review shall be entertained unless it is ^{filed} ~~filed~~ within 30 days from the date of receipt of the copy of

the order sought to be reviewed. Admittedly, the applicants ^{have} ~~has~~ filed this review application after more ^{than} ~~then~~ thirty days. Added to it, no provision is there for condonation of delay in filing review application. Further, Full Bench judgment of Hon'ble 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**, ^{referred} ~~based~~ on the judgment of Apex Court in **1997 (6) SCC 473 between K. Ajit Babu Vs. Union of India** clearly stated that the Tribunal has no jurisdiction to condone the delay in filing the review application in view of Rule 17 of Central Administrative (Procedure) Rules 1987. In such circumstances, this Tribunal has no jurisdiction and power to condone the delay in filing review application and as such, claim of the applicants for condonation of delay in filing review application is not at all maintainable and hence the same is rejected.

7. When once, the claim of the applicant for condoning the delay in filing review application is rejected, and when the review application is not filed within time as provided under Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987, his claim for review of the judgment is also not at all maintainable and as such, the same is rejected without going into the merits. Hence, the application for condoning the delay in filing the review application is rejected and consequently the review is also rejected.


(M. KANTHIAH)
MEMBER (J)

22.08.08

/ak/