Central Adminsitrative Tribunal, Lucknow Bench, Lucknow

Review Application No.30/2008 in O.A. No. 242/2006

This the 19th day of September, 2008

HON'BLE SHRI M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)

Sunil Sonkar aged about 31 years son of Shri Rajjan Lal T.No. 64 H/123 F, R/o Village Mohammadpur (Daudpur), Post- Hunhunna, District- Faizabad.

Applicant

By Advocate; Sri Ratnesh Lal

Versus

1. Union of India through General Manager, Northern Railway, Baroda House,
   New Delhi.
2. Senior General Manager (NR), Baroda House, New Delhi.
3. Chief Electrical Engineer (W), Northern Railway, Carriage and Wagon Workshops, Alambagh, Lucknow.
4. Assistant Electrical Engineer (W), Northern Railways, Carriage and Wagon Workshops, Alambagh, Lucknow.

Respondents

ORDER (under circulation)

BY HON'BLE DR. A.K. MISHRA, MEMBER (A)

This is an application filed under Section 22(3)(f) of AT Act, 1985 for review of judgment and order dated 8.8.2008 in O.A. No. 242/2006.

2. The O.A. was dismissed on the ground of limitation as it was held that the case suffered from delay and laches on the part of the applicant, who could not satisfactorily explain the delay for the purpose of condonation.

3. Now, in the present application, it has been stated that the applicant consulted one counsel Sri P.K.Tripathi who accepted the brief but did not take any step. Because of negligence of the Counsel, considerable delay took place and the applicant had to engage another counsel to file the Original Application. This very ground had been taken in the application filed for condonation of delay and it was discussed in the impugned judgment of this Tribunal. No new ground has been mentioned in the present application except stating that the Tribunal had committed an error of law by not adopting a liberal attitude in the matter of condonation of delay. It is settled that

appreciation of facts in a particular manner cannot be a valid ground to review of the judgment of the Tribunal. If the applicant is not satisfied with the order of this Tribunal, he is at liberty to file an appeal/ writ petition on merits. The scope of review is very limited. All the grounds mentioned in the application relate to appreciation of facts of the case. No new fact has been brought out other than those available in the record of the O.A. Under the circumstances, we feel that since review has limited scope, the present application is not maintainable in the facts and circumstances of the case. Hence dismissed.

(Dr. A.K. Mishra)
Member (A)

(M. Kanthaiah)
Member (J)

HLS/-

ok
Copy of order
dated 19-9-2006
Issued
23-9-2006