

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

M.P.No.763/2009

M.P.No.739/2009

In

Review application No.22/2009

In

Original Application No.96/2008

This the ^{05th} day of May 2009.

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

U.O.I. & Others Applicant.

By Advocate: Shri Anil Srivastava.

Versus.

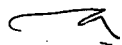
Jagat Narain Sinha Respondent.

By Advocate: None.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The respondents in OA have filed this Review Petition under Section-22 (30 (f) of Administrative Tribunal Act 1985 for review of judgment and order Dt. 19.09.2008 passed in main OA on the ground that there was delay in filing OA and also this Tribunal has no jurisdiction over the order passed under Industrial Dispute Act, 1947. They also stated that there is no provision for payment of interest on delayed payment except on DCRG that too, at the rate of 6% but in the present case, directions have been issued for release of interest on all payments at the rate of 8 %. Thus, the order of the Tribunal dt. 19.09.2008 is not based on proper, just and fair analysis on the facts



pleaded from either side and as such, the same is deserves recall of the order dt.19.09.2008.

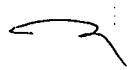
2. The revisionists/respondents in main OA have filed this review on 25.03.2009.

3. The revisionists / respondents have filed another application for condonation of delay in filing the review application stating that there was some delay.

4. The matter has been taken up under Circulation.

5. Before taking the matter for review, the application for condonation of delay in filing review application has to be decided. As per Rule 17 of Central Administrative Tribunal (Procedure) Rules 1987, time stipulation for filing review is only 30 days from the date of receipt of copy of the judgment. As per rules, there is no provision for condonation of any delay in filing the review application to either of the parties. Further, the 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 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, the application for condonation of delay in filing review application is not at all maintainable and hence the same is rejected.

6. When once, the claim of the applicant for condoning the delay in filing review application is rejected, 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 and application for stay are rejected and consequently the review is also rejected.


(M. KANTHAIYAH)
MEMBER (J)

05.05.2009

amit/-

*of
every order
under G-5 rule
Revised
11-5-2009*