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Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 18/2012 in Execution Application

No.63/2001

In O.A. No. 37/1996

This the 26th day of November, 2012

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Hon'ble Sri S.P. Singh, Member (A)

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Director General and Chairman, Postal Service Board, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. The Superintending Engineer, Postal Electrical Circle, Meghdoot Bhawan, Ashok Marg, New Delhi.
4. The Chief Post Master General, Uttar Pradesh Circle, Lucknow.
5. The Executive Engineer, Postal Electrical Division, Post Office Building, Aliganj, Lucknow.

Reviewists

By Advocate: Sri S.P.Singh

Versus

Sri Zahid All, son of Sri Mohammad Ali, resident of House No. 150, Takia Nivaj Ali, Ghasiyari Mandi, Lucknow.

Respondent

ORDER (By Circulation)

By Hon'ble Sri Justice Alok Kumar Singh, Member (J)

This Review Application has been filed under Rule 17(3) of the CAT(Procedure) Rules, 1987 read with Section 22 (3)(f) of the AT Act, 1985.

2. The judgment/ order in question was delivered on 26.9.2012. A period of limitation has been prescribed under Rule 17(1) of the CAT (Procedure) Rules, 1987 which is as under:-

"Rule 17(1):- No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed."

3. The copy of the aforesaid order has been obtained on 27.9.2012 as mentioned below the seal appended on the last page of the certified copy of the judgment. Therefore, the review petition ought to have been filed within 30 days from the above date i.e. 26.10.2012. But it has been

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filed with delay i.e. on 1.11.2012 beyond the period of limitation prescribed under the law.

4. The right of review is applicable if the same is filed within the period of limitation. A decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power of review is permitted without any limitation, then no decision would be final because the decision would be subject to review at any time at the instance of the party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case for all times to come. Therefore, the public policy demands that there should be an end of legal cases.

5. In the case of **K.Ajit Babu Vs. Union of India 1997 (6) SCC 473 (para 4),** also the provision of section 22(3)(f) of the AT Act, and Rule 17(1) of CAT (Procedure) Rules, and also order 47 Rule 1 of CPC were examined by the Hon'ble Apex Court which laid down that right of review is applicable to the aggrieved person, if it is filed within the period of limitation.

6. The matter of condonation of delay also came up for consideration before the Full Bench of Andhra Pradesh High Court in the case of **G.Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and others -2005(4) SLR 720.** In this case also, it was held that Tribunal has no jurisdiction to condone the delay in filing the review application.

7. In the above back drop, M.P. No. 2421/2012 which is an application for condonation of delay deserves to be and is accordingly rejected. Consequently, review application also deserves to be rejected being barred by limitation. Moreover, a review can be made only when there is an error apparent on the face of the record or on discovery of any new and important material which even after exercise of due diligence was not available. In the present case, no such error could be shown. We ourselves also do not find either of the things. There is no

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scope for entering again into merits of the case. A review cannot be sought merely for a fresh hearing or arguments or correction of erroneous view, if any taken earlier. If the applicant is not satisfied with the orders passed by this Tribunal, remedy lies elsewhere. The scope of review is very limited. It is not permissible for Tribunal to act as an appellate authority. Therefore, this review petition is dismissed.

SP

(S.P. Singh)
Member (A)

HLS/-

Alok Kumar Singh
(Justice Alok Kumar Singh)
Member (J) 26.11.12

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copy of order
dated 26-11-12
Bhrampr
29-11-12