

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

R.A. 42/2004
In O.A. 458/2000

Lucknow this the 18th day of September, 2005

HON. SHRI S.P. ARYA, MEMBER (A)
HON. SHRI M.L. SAHNI, MEMBER (J)

Union of India and others

....Applicants

By Advocate Shri Raj Singh for Shri A.K. Chaturvedi

Vs.

Shatruhan

Respondent

Applicant in person.

Order

By M.L. SAHNI, Member (J)

1. The respondents in the original application (O.A. No. 458/2000) (hereinafter called as reviewist) have filed Review application No. 42 of 2004 alongwith Misc. Application No. 1218/04 requesting for condonation of delay in filing the Review application. Both the Review Application and Misc. Petition have been filed in this Tribunal on 31.5.05 and the order, review of which is sought, is dated 22nd of March, 04. Review application is, therefore, beyond 30 days and that is the reason Misc. Petition has been filed for condonation of delay.
2. Clause (i) of Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987 provides that no petition for review shall be entertained unless it is filed within 30 days from the date of order of which the review is sought.
3. It is held by the Full Bench of Hon'ble Andhra Pradesh High Court that the Administrative Tribunals Act and the Rules made there-under give no power to the Tribunal to condone the delay and hence the

Central Administrative Tribunal has no jurisdiction to condone the delay.

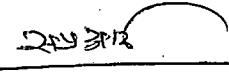
4. Section 5 of the Limitation Act provides for condonation of delay in moving certain applications for the reasons stated therein, yet in the case of G. Narsimha Rao vs. Regional Joint Director of School Education, Warrangal and others (2005 (4) SLR 720) it has been held that provision of Section 5 of Limitation Act, 1963 is not applicable to the Review applications, therefore, the request for condonation of delay made by the applicant is not tenable in law. It was observed by their lordships in para 14 of this judgment:

"14. In the view we have taken, we answer the reference holding that the Administrative Tribunals Act and the Rules made thereunder ~~are~~ impliedly infer that the Tribunal will not have jurisdiction to condone the delay by taking aid and assistance of either sub-section(3) of Section 21 of the Act or Section 29(2) of the Limitation Act."

5. In view of the latest case law on the issue involved before us, we feel constrained to hold that the prayer of the reviewists cannot be allowed because the statutory period of 30 days provided for review petition has already expired. M.A. 1218/04 and Review Application No. 42/04 are accordingly dismissed, being untenable in law.


(M.L.SAHNI)
Member(J)

s.a.


(S.P. ARYA)
Member (A)