

Central Administrative Tribunal Lucknow Bench Lucknow
Review Application No: 106/2004 IN O.A. NO: 255/96.
this, the 20th day of January, 2005.

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

Indra Narayan Singh, son of Sri Surya Narayan Singh,
resident of Village-Ishwerdaspur, Pargana and Tebsil-
salon, District-Raebareli, Departmental Branch, Post
Master, Village-Ishwerdaspur, District-Raibareli.

....Applicant.
BY Advocate Shri Sanjeev Pandey.

Versus

1. Union of India, through Secretary, Ministry of the communication, New Delhi.
2. The Superintendent of Post Offices, Distt. Raebareli.
3. The Director, Postal Services, District, Lucknow.

...Respondents.

ORDER (BY CIRCULATION)

BY Hon'ble Shri S. P. Arya, Member(A)

The present review application has been filed by the review applicant seeking review of the order dated 11.3.2004 passed in O.A. No. 255/96.

2. We have perused the order dated 11.3.2004 and have also perused the review application.

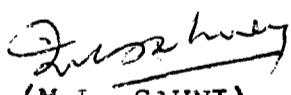
3. We do not find any apparent error on the face of the record or discovery of new material despite the due deliverance ^{genue} at the time of final hearing. By way of this Review Application, applicant seeks to re-argue the case which is not permissible. The present Review Application is not maintainable as per the provisions of Section 22 (3)(f) of the AT Act, 1985 read with Order 47 Rule (i) of the CPC and also in view of the ratio laid down by the Apex Court in Tarit Ranjan Das 2004 SCC (L&S) 160.

4. The review applicant has also stated that in the grounds that the order passed in the O.A. was not communicated to the counsel for the applicant. It is noted that the Counsel for applicant did not

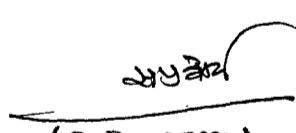
appear on the date of hearing. Rule 22 of the CAT (Procedure) Rules, 1987 provides for communication of final orders to the applicant. It appears from the office report that since the order in the O.A. was not collected by the counsel of the applicant, it was sent to the applicant on the address given in the O.A. by registered post on 8.4.2004 as per rules. Undelivered envelope has not been returned till 16.12.2004. It will be presumed that the same has been served upon the applicant. The plea of non-service of order is accordingly rejected.

5. Review Application has been filed on 3.12.2004, the Review should have been filed within 30 days of the communication of the order. This R.A. is miserably barred by time. Explanation given by the applicant having not received the copy of the order, in view of the above, order having being communicated by the registered post, is not accepted. The review is highly barred by time as well. Moreover, the O.A. has been decided on merit and the order thereon can not be said ex-parte.

6. In view of the above, Review Application is rejected in in circulation stage itself without issue of notice to the opposite parties.


(M.L. SAHNI)

MEMBER(A)


(S.P. ARYA)

MEMBER(A)

HLS/