

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Petition No.17/2007

In

Original Application No.438/2005

This 13th the day of September 2007

HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE MR. P.K. CHATTERJI, MEMBER (A)

Union of India & Others. Applicants.

By Advocate: Shri G.S. Sikarwar.

Versus.

Pulok Sen Gupta. Respondent.

By Advocate: Shri Raj Singh.

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

The applicant has filed this Review application to recall the order of the Tribunal Dt. 19.3.2007, with condone delay application.

1. The respondents counsel who received notice, opposed the condone delay application on the ground that no such application is maintainable in case of review of matter.

2. Heard both sides,

3. The point for consideration is whether the applicant is entitled for the relief of condone delay in filing Review application, as prayed for.

4. The admitted facts of the case are that the respondents herein filed Original application against the applicant herein but the same was dismissed on 19.3.2007. Against the same, when the respondents filed Review application in O.A.No.12/2007, the same was dismissed on 23.4.2007. Thereafter, the respondents have filed this Review application alongwith condone delay application and the said condone delay application is coming for orders, after hearing both sides.

5. Section-22 (3) (f) of the Administrative Tribunal Act relates to reviewing its decision.

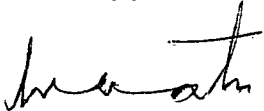
6. In exercise of rule making power under Section 37 of the Act, the rules were framed known as Central Administrative Tribunal (Procedure) Rules, 1989 in Rule 17 (i) of the rules says that "No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed".

7. From the said Rule, it is clear that there is an embargo to exercise the power of review within 30 days from the date of order and no condone delay application is permitted either by any other rule or under Section-5 of Limitation Act.

8. The Learned Counsel for the respondents also relied the judgment reported in the following case which also supporting his stand that no condone delay application is maintainable in case of review of the orders of the Tribunal 2005 (4) Service Law Reporter A.P. Page 720 G. Narasimha Rao Vs. Regional Joint Director (AP).

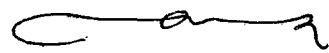
9. In view of the above circumstances, the claim of the applicant for condone the delay in filing Review application is not at all maintainable and thus liable for dismissal.

10. In the result, the application to condone the delay in filing Review application is dismissed. No costs.



(P.K. CHATTERJI)
MEMBER (A)

/amit/



(M. KANTHAIAH)
MEMBER (J)

13.09.2007