

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.26/2007
In
Original Application No.298/2005
This the 8th day of May 2008

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

Union of India & Others ...Applicant.
By Advocate: Shri D.S. Tewari.

Versus.

Gyas Ahmad Respondents.
By Advocate: None.

(Under Circulation)

ORDER

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

The petitioners/ respondents have filed the Review application for reviewing the order and judgment of the Tribunal Dt. 18.07.2007 on the ground that the Tribunal did not consider the points raised by the respondents department and also further stated that the decision is based on the points or the facts which are not raised by either of the parties. The petitioners/ respondents have filed this review application along with condonation of delay application stating that the delay was neither intentional nor deliberate.

2. The application has been taken in Circulation.
3. The point for consideration is whether the applicant is entitled for the review of the order and judgment of this Tribunal Dt. 18.07.2007 by allowing condonation of delay.

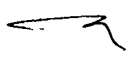


4. The admitted facts of the case are that the respondent herein is the original applicant who, filed OA against incorrect calculation of his retrial benefits such as Gratuity, commutation of Pension etc. by the respondent authorities. After exchange of pleadings and after hearing both side Advocates, this Tribunal has passed order and judgment Dt. 18.07.2007.

5. Against the order and judgment Dt. 18.07.2007, the respondents have filed the present Review application on 18.09.2007 along with condonation of delay application stating that there is some delay for filing such review application, which is neither intentional nor deliberate. Except this the petitioners/respondents have not furnished and bonafide reasons for filing review application within time and also not mention about the actual days of delay in filing such review application.

6. As per Rule-17 of Central Administrative (Procedure) Rules, 1987, the limitation prescribed for filing review application is only 30 days from the date of the copy. But in the instant case, the petitioners/ respondents have filed this review application after two months from the date of the order and judgment. Firstly, the petitioners/ respondents are not given any bonafide reasons for condoning the delay of about 30 days in filing this review application and without any justified and bonafide grounds, the petitioners / respondents are not at all entitled for any condonation of delay in filing review application.

7. By way of this review application, the petitioners/ respondents sought for review of the judgment of this Tribunal on the ground that the pleas which they have taken are to be discussed and also on the



other grounds that some of the discussion in the judgment is not without any points raised by either of the parties and such discussion is nothing but reappraisal of the material on records, which is within the scope of Appeal but not by way of review application.

8. By way of review one can seek the review of judgment and order in respect of any typographical mistake, error or calculation mistake but not by way of re-adjudicating the case afresh and as such, the claim of the petitioners/ respondents for review of the order and judgment Dt. 18.07.2007 of this Tribunal is not at all maintainable and thus, liable for dismissal.

In the result, the application for review of judgment Dt. 18.07.2007 and also application for condonation of delay in filing Review applicant are rejected. No costs.


(M. KANTHAIAH)
MEMBER (J)
08.05.2008

/ak/