

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

Review Application No. 17/2008 In O.A. NO: 43 /2006

Lucknow this, the 15<sup>th</sup> day of May, 2008.

**Hon'ble Mr. M. Kanthaiah, Member (J)**  
**Hon'ble Mr. Shailendra Pandey, Member (A)**

Ajit Kumar Ghosh, aged about adult, son of late Sri B.C. Ghosh, Resident of – 5B, Kailash Puri, Alambagh, Lucknow.

Revisionist

By Advocate: Sri Praveen Kumar

Versus

1. Union of India through, Northern Railway, Baroda House, New Delhi.
2. The Deputy Chief Mechanical Engineer, Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.

Respondents.

**Order By Circulation**

**By Hon'ble Mr. M. Kanthaiah, Member(J):**

The applicant has filed Review Application under Section 22 (3) of AT ACT, 1985 against the orders of this Tribunal in O.A. 43/2006 dated 25.4.2007. He filed the review application along with condonation of delay application stating that there was delay in filing the review application as he fell seriously ill.

2. The matter has been taken up under circulation. The office has given R.A. No. even without allowing 'condone delay' application.
3. The admitted facts of the case are that the applicant filed O.A. seeking directions to the respondents for his appointment on the post of casual labour on the ground that his name was placed in the panel formed in the year 1974 for appointment for future vacancy. After exchange of pleadings and after hearing both sides, the O.A. was disposed of on 25<sup>th</sup> April 2007 with a result of dismissal by giving reasons for such dismissal.

4. Against the judgment dated 25<sup>th</sup> April 2007, the applicant has preferred the Review Application along with condonation delay application. As per rule

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17 of CAT (Procedure) Rules 1987, time stipulation for filing review is only 30 days from the date of receipt of copy of the judgment. As per the rules, there is no provision for condonation of any delay in filing the review application to either of the parties. Further, the Full Bench judgment of High Court of Andhra Pradesh reported in 2005 (4) SLR 720 between G. Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and Others based on the judgment of Apex Court in 1997 (6) SCC 473 between K. Ajit Babu Vs. Union of India clearly stated that the Tribunal has no jurisdiction to condone the delay in filing the review application in view of Rule 17 of CAT (Procedure) Rules 1987. In such circumstances, this Tribunal has no jurisdiction and power to condone the delay in filing the review application and as such, the application for condone <sup>ation of</sup> the delay in filing R.A of the applicant is not at all maintainable <sup>and</sup> hence the same is rejected.

5. When once, the claim of the applicant for condoning the delay in filing R.A is rejected, his claim for review of the judgment is also not at all maintainable and as such, the same is rejected without going into the merits. Hence, the application for condoning the delay in filing the review application is rejected and consequently [as such] the review is also rejected.

(Shailendra Pandey)  
Member (A)

(M. Kanthaiah)  
Member (J) 15-05-08