

**CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW**

**Review Application No.20/2010
In
Original Application No.147/2004
This the 19th Day of May 2011**

**Hon'ble Mr. Justice Alok Kumar Singh, Member (J)
Hon'ble Mr. S.P. Singh, Member (A)**

Union of India & Others Applicant.

By Advocate: Sri S.P. Singh.

Versus.

L.R. Bairwa Respondent.

By Advocate: Sri A.R. Masoodi.

Order (Dictated in Open Court)

By Mr. Justice Alok Kumar Singh, Member (J)


This review application has been filed on behalf of Respondent No.1 saying that prior to the decision of the OA on 16.11.2009 by this Hon'ble Tribunal the departmental appeal filed by the applicant has been decided on 09.06.2006. It is further said that due to non-availability of the instructions, it could not be brought to the notice of the Hon'ble Tribunal. However, after receiving the above order dated 16.11.2009 passed by this Tribunal the respondent has instructed his counsel to file review/modification application. The order passed on the departmental appeal dated 09.06.2006 has also been brought on record which is supported by an uncontroverted affidavit.

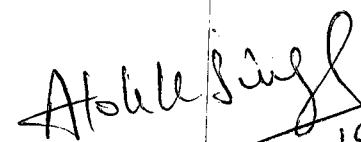
2. On the other side, Sri A.R. Masoodi, learned counsel for respondent says that in view of the facts and circumstances, he has no objection if review is allowed but he may not be deprived

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from getting the benefit of limitation for filing an OA, if any, against the said appellate order dated 09.06.2006.

3. In the conspectus of the above, we find this request for review to be bonafide. We therefore allow the review/modification petition No.20/2010. Final order dated 16.11.2009 passed by this Tribunal in O.A.No.147/2004 is reviewed/modified to the extent that the direction in respect of deciding the departmental appeal may be treated as no-nest. Simultaneously, in view of the peculiar facts and circumstance of the case and to meet the ends of justice, it is hereby provided that the applicant may file OA, if any so advised against the aforesaid order dated 09.06.2006 passed by the respondents on the departmental appeal within the period of prescribed limitation which shall run from the date of decision of this review/modification application i.e. 19.05.2011. No order as to costs.


(S.P. Singh)
Member (A)


(Justice Alok Kumar Singh)
Member (J)
19.5.2011

Amit/-