

Central Administrative Tribunal, Lucknow Bench, Lucknow

**Review Application No. 1/2012 in M.P.
No.1066/2010 in Dy. No.1532/2010**

This the 30th day of January, 2012

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Dinesh Kumar and another

Applicants

By Advocate: Sri A.C. Mishra

Versus

Union of India and others

Respondents

ORDER (By Circulation)

By Hon'ble Sri Justice Alok Kumar Singh, Member (J)

M.P.No. 195/2012: This is an application for condonation of delay in filing the application for reviewing the order dated 18.3.2011.

2. I have gone through the application along with affidavit which has been filed in its support.

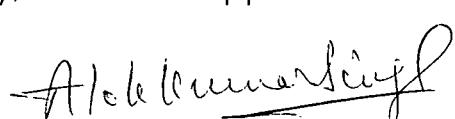
3. The limitation for filing review is one month whereas this review application has been filed along with this condonation of delay application after a lapse of about 9-10 months. The only explanation is that earlier an application for recall of order dated 18.3.2011 was moved which was rejected on 9.9.2011 as not pressed. The perusal of this order shows that it was not pressed because there was an objection from the other side that recall application is not maintainable in the absence of any no such provision under the AT Act.

4. The ignorance of law is no excuse. Instead of moving recall application, the review application should have been moved within the prescribed time of one month. Had the applicant been acting bona fide, then immediately after rejected the above application on 9.9.2011, he should have moved review application. But it has been moved again after a lapse of about 3-4 months without explanation whatsoever. This is sheer misuse of process of law which cannot be permitted. After all litigations have to come to an end at some stage. Thus, I do not see any ground to condone the delay.



5. Otherwise also, suffice is to mention that the O.A. itself (In fact no regular O.A. number was allotted because of pendency of certain applications) was moved after an inordinate delay of 16 years, for which there was no satisfactory and plausible explanation. Therefore, the preliminary objection was allowed and it was dismissed on the ground of it being barred by limitation.

6. Finally, coming back to the delay condonation application, it is rejected. Consequently, the review application also stands rejected.


(Justice Alok Kumar Singh) Zc. 1-12
Member (J)

HLS/-

o/s
copy of order
dated 30-1-12
B. Singh
31-1-12