

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Review Application No. 332/00008/2015

in

Original Application No. 430/2008

This the 23rd day of March, 2017

**Hon'ble Mr. Justice V.C. Gupta, Member-J
Hon'ble Mr. O.P.S. Malik, Member-A**

1. Union of India through Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Sitapur.
3. Sub-Divisional Inspector, Postal (Central), Sitapur.
4. Sri M.C. Pandey, Senior Superintendent of Post Offices, Sitapur.
5. Director, Postal Services, O/o Chief Postmaster General, U.P. Lucknow.

..... Applicants

By Advocate: Sri G.K. Singh

VERSUS

1. Vinod Kumar Shukla Respondent

By Advocate: Sri Praveen Kumar

O R D E R (Oral)

By Justice V.C. Gupta, Member(J)

Heard.

This Review Application has been filed by the applicants (respondent in O.A.), against the order passed by this Tribunal in O.A No. 430 of 2008 decided on 20.11.2014. This review petition has been filed on



13.2.2015 i.e. after the prescribed period of limitation of 30 days as provided in Rule 17 of CAT (Procedure) Rules.

2. The application for condonation of delay has been moved which is not permissible in view of the judgment rendered by the Full Bench of Andhra Pradesh High Court in the case of **G. Narasimha Rao Vs. Regional Joint Director of School Education, Warrangal and Others, 2005 (4) SLR 720**. The relevant portion of which is quoted herein below:-

“Keeping the above guidelines in the background of the case, we have to see whether the tribunal can entertain such review as and when approached with the plea of discovery of new and important fact or evidence, which was not brought to the notice of the Tribunal while passing the order which resulted in miscarriage of justice. If so, whether the Tribunal can entertain such review and can condone the delay by taking the aid and assistance of Sub-section (3) of Section 21 of the Act which enables the Tribunal to entertain the original application. It is well settled that exercise of power will be circumscribed by the relevant statutory provisions and the rules made thereunder.”

While referring to Rule 19 it held:

Rule 19 is couched in negative form and disables the person from seeking review under Section 22(e)(f) of the Act, in case review is not filed within 30 days of the order. However, in the Act nowhere it is stated the method or manner or time limit to file such review except Rule 19. In view of the same, the power of Tribunal to condone the delay under Section 21 of the Act is applicable only to the

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applications filed under Section 19, but the same cannot be made applicable to the review sought under Section 22(3)(f). Sub-section (1) of Section 22 puts an embargo on exercise of such power by the Tribunal, namely that the power of the Tribunal shall be guided by the principles of natural justice and of any rules made by the Central Government. In the absence of any provisions prescribed for condoning the delay either in the Act or in the Rules, the Tribunal will not have jurisdiction to condone the delay in taking aid and assistance of Section 5 of the Limitation Act on the premise that Limitation Act is made applicable in view of Sub-section (2) of Section 29 of the Limitation Act.

In the view we have taken, we answer the reference holding that the Administrative Tribunals Act and the Rules made thereunder are impliedly infer that the Tribunal will not have jurisdiction to condone the delay by taking aid and assistance of either Sub-section (3) of Section 21 of the Act or Section 29(2) of the Limitation Act.

3. In view of the above, the Review Petition cannot be admitted for the further hearing and is accordingly dismissed.


 (O.P.S. Malik)
 Member(A)

Girish/-


 (Justice V.C. Gupta)
 Member (J)