

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.**

**R.A. No. 01 of 2002**  
**(Arising out of OA 505 of 1996)**

**Date of order : 23.2.07**

**Hon'ble Ms Sadhna Srivastava, Member [ J ]**

Yadu Nath Pandey, S/o Late Sinhasan andey, retired Senior Electrical Foreman, N.E. Railway, Varansi, R/o village Fulwaria Pandey, P.O. Mirzapur Distt- Deoria, presently residing at Nermu, Sonepur ( Saran ).

...Applicant

By Advocate : Shri Sudama Pandey

Vs.

1. The Union of India through the General Manager, N.E. Railway, Gorakhpur.
2. The Divisional Railway Manager ( P ), N.E. Railway, Varansi ( U.P. ).
3. The Senior Divisional Electrical Engineer, N.E. Railway, Varansi.

....Respondents

By Advocate : Shri R. Gnyaghey.

**O R D E R**

**By Ms. Sadhna Srivastava, M ( J ):-**

The applicants have preferred the instant Review Application for review of the order passed by this Tribunal in OA 505 of 1996 dated 31.12.1999, on the grounds mentioned therein. The Said RA has been filed beyond the period of



limitation, as prescribed under Rule 17 of the CAT (Procedure ) Rules, 1987. One application also has been filed by the applicant for condonation of delay in filing RA. It is stated therein that the applicant was confined to bed due to illness and unable to undertake journey. It is stated in the application that he has all along been under the treatment of physician from 5.1.2000 and onward.

2. The important question that arises in the instant case is as to whether the delay in filing the review application can be condoned under Rule 17 of the CAT (Procedure) Rules.

3. A Full Bench of the Hon'ble Andhra Pradesh High Court in G. Narasimha Ram vs. Regional Joint Director of School Education, while considering Rule 19 of the A.P. Administrative Tribunal Procedure Rules framed under A.T. Act, held that delay in filing of review application cannot be condoned. The said rule is para materia of Rule 17 of the CAT (Procedure) Rules.

4. On the other hand , a Full Bench of the Kolkata

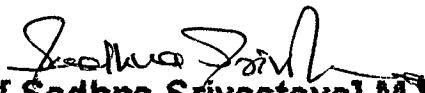


High Court has held that delay in filing a review application can be condoned.

5. While deciding RA 99 of 2005 , arising out of OA No. 446 of 2004, a Division Bench of this Tribunal, after taking note of both these decision, had followed the decision of Andhra Pradesh High Court.

6. It has, accordingly, to be held that delay in filing Review Application cannot be condoned. Hence the Review Application has to be treated as time barred, and the same is fit to be dismissed.

7. Accordingly, the instant Review Application stands dismissed without any order as to the costs.

  
[ Sadhna Srivastava] M[J]

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