

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.

R.A. No. 01 of 2002

(Arising out of O.A. 155 of 1996)

DATE OF ORDER : 14.02.2005.

Chandra Kishore Thakur, S/o late Jagannath Thakur, resident village Raghpur, P.S. Bibhutipur, District - Samastipur at present working as Gramin Dak Seva Branch Post Master, (GDSBPM), Raghpur Branch Post Office.

... Applicant.

By Advocate : None.

Vs.

1. U.O.I. through Secretary-cum-D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief P.M.G., Bihar Circle, Patna.
3. The Post Master General, Northern Region, Muzaffarpur
4. The Superintendent of Post Offices, Samastipur Division.
5. Surendra Kumar Choudhary, S/o Shri Ram Pratap Choudhary, resident of village & P.O. Raghpur, P.S. Bibhutipur, Samastipur.

.... Respondents.

By Advocate : Shri R.K. Choube~~y~~ for official respondents.

Shri J.K. Karn for Pvt. respondent

C O R A M

Hon'ble Smt. Shyama Dogra, Member (J)

Hon'ble Shri Mantreshwar Jha, Member (A)

O R D E R (Oral)

By S.Dogra, M(J) : - None is present on behalf of the applicant. Shri J.K. Karn and Shri R.K. Choube~~y~~ have waived service on behalf of the respondents. Taking into consideration that this RA is since pending for the last one year, the matter is disposed of at the admission stage on the basis of the material available on record as

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per provision of Rule 15 (1) of the CAT (Procedures) Rules.

2. This RA has been filed by the applicant for modification of the order passed by the court in OA 155 of 1996 decided on 26.7.2000 on the ground that the applicant in the said OA, namely, Surendra Kr. Chaudhary has got order in his favour for his appointment on the post of EDBPM, Raghpur EDBO while suppressing the material facts from the court that he is facing criminal case at the relevant point of time before the Addl. Sessions Judge, Begusarai vide Sessions case No. 256 of 1994 (Annexure A/1) when the charges were framed against him along with other accused in December, 1996. Therefore, he was not entitled to be considered for the said post. This view has already been taken by the Hon'ble Patna High Court on the writ petition filed by the present applicant wherein the order was passed by the said Court vide Annexure A/3 dated 27.6.2002 in CWJC No. 7926 of 2000, Chandra Kishore Thakur vs. U.O.I. In the said order, it has been held that the action to terminate the services of the applicant Chandra Kishore Thakur by the department vide order dated 21.2.2001 to the interlocutory application No. 1070 of 2001 was quashed, while giving further entitlement to the present applicant to seek review of the order of the

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Tribunal on the ground as enumerated hereinabove.

3. In reply to these submissions , the main grounds taken by the applicant is that the present RA is barred by limitation as per Rule 17 of CAT (Procedures) Rule as it is a condition precedent under the said provision to file the review application within a period of ~~xx~~ thirty days from the date of receipt of copy of the order.

4. After perusal of the entire record and hearing learned counsel for the official respondents, it is found that the Hon'ble High Court has passed order on 27.6.2002 while giving liberty to the present applicant to file RA , and the same has been filed in this court on 13.11.2002. Therefore, this RA appears to be barred by limitation as per Rule 17 of the CAT (Procedures) Rule which makes it a condition precedent to prefer Review Application within thirty days from the date of passing of the order, of which the review is sought. It is also held by Andhra Pradesh High Court Full Bench decision, titled G. Narsimha Rao vs. Regional Joint Director of School , writ petition No. 21734 of 1998, decided on 19.11.2003 that the Tribunal is not vested with the power to condone the delay in filing RA if the same is filed beyond 30 days

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5. Apart from this, it is also found from the

order under review that this court has taken note of this fact that the respondents i.e. Surendra Kumar Chaudhary was involved in some criminal case as is evident from para 4, 8 of the said order.

6. Therefore, in view of these observations and analysis of the matter, we are of the considered view that since the present RA is barred by law of limitation and the applicant has also failed to point out any other error apparent on the face of the record as put forth by him before the Hon'ble High Court with regard to suppression of certain facts by the present respondent i.e. Surendra Kr. Chaudhary and having regard to fact that all the points have been duly discussed in the case in detail, we are not inclined to interfere in the said order. Hence the present RA is held to be barred by limitation and also devoid of merits and dismissed and disposed of accordingly with no order as to costs.

/CBS/

(MANTRESHWAR JHA) M(A)

Shyam Dugar 4.2.85  
(SHYAM DUGAR) M(J)