

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH**

R.A.NO.35/2007

IN

O.A.NO.789/2005

Date : 3.10.2007

CORAM:

HON'BLE MR.JUSTICE P.K.SINHA, VICE CHAIRMAN

1. The Union of India through the Chief Postmaster General, Bihar Circle, Meghdoot Building, Patna-1.
2. The Director Postal Services (H.Q.), Office of Chief Postmaster General, Bihar Circle, Patna-4.
3. The Sr. Superintendent of Post Offices, Patna Postal Division, Patna-4.
4. The Director of Accounts Postal, Exhibition Road, Patna.

Applicants

By Advocate : Sri M.K.Mishra

vs.

Alakh Deo Prasad Singh, S/o Late Sabit Singh, Resident of village- Piraute, P.O.- Kosumhar, Via- Akbarpur, District- Nawadah, Ex-Assistant Post Master, Khagau, P.O. -District- Patna.

Respondents

ORDER

JUSTICE P.K.SINHA, V.C:-

This is an application for review of the order recorded by this Tribunal in O.A.No.789/2005, dated 14.11.2006. The applicant in that O.A., Alakh Deo Prasad Singh, Opposite Party here, had filed an application for grant of retiral benefits. This Tribunal considered the arguments of both the sides, also mentioning the arguments of

the learned counsel for the respondents that "while the respondents have no objection to the payment of amount of leave encashment and GIS for which action is being taken, the amount of gratuity cannot be paid in view of Rule 69 of Central Civil Services (Pension) Rules, 1972".

2. In view of what was placed before this Tribunal, this Tribunal upheld the decision of the respondents to withhold the amount of gratuity in view of the provisions of Rule 69(1)(c) of the Pension Rules, but ordered payment of the amount of leave encashment and of GIS.

3. Now this application has been filed for review of the order on the ground that the applicant of the O.A. while working as S.P.M, Gardanibagh Post Office had committed a fraud to the tune of Rs.4,51,605/-, which has to be recovered, even in part, from the amount of leave encashment under the rules.

4. However, it may be mentioned that certified copy of the order of the Tribunal in O.A. No.789/05 was received by the learned counsel for the respondents on 29.11.2006 as would appear from the last page of the certified copy of the order annexed with this application. This Review Application has been filed on 13.2.2007, well beyond the period of limitation of one month as provided under Rule 17 of the CAT(Procedure) Rules, 1987.

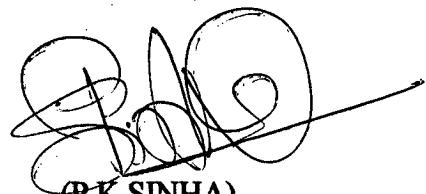
4. This Tribunal in an order by a Division Bench in R.A.99/2005 had considered the question of condonation of delay in filing of a Review Application. Obviously Rule 17 of the CAT(Procedure)Rules,1987 prescribes that no application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed. This Tribunal in its order in R.A. 99/2005, dated



27.1.2006(Union of India & Others vs. Ramdeo Singh) had discussed various decisions in that regard including the Full Bench decision of the Andhra Pradesh High Court in the case of G.Nara Simha Rao vs. Regional Joint Director of School Education (W.P.21738 of 1998) which had held that the Tribunal had no jurisdiction to condone the delay by taking aid and assistance of either sub-section (3) of Section 21 of the Administrative Tribunals Act or Section 29(2) of the Limitation Act.

5. This Tribunal, in view of the aforesaid, and other decisions discussed in that order, had held that delay in filing a Review Application, could not be condoned.

6. In that view of the matter, since this Review Application is barred by limitation, it is not maintainable and, as such, is dismissed.



(P.K.SINHA)
VICE CHAIRMAN

/njj/