

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

**R.A. No. 42 of 2006 with MA 463 of 06
(Arising out of OA 395 of 2005)**

Date of order : 16th October, 2006

Union of India through G.M., E.C. Rly, Hazipur and Others
Vs.
Ajay Kumar Chakravorty

ORDER
(IN CIRCULATION)

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

The applicants (respondents in OA) have preferred the instant Review Application against the order passed by this Tribunal dated 9.9.2005 in OA 395 of 2005, 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.

2. One MA 463 of 2006 has been filed by the applicants for condonation of delay in filing RA. It is stated therein that the certified copy of the order was obtained by the Standing Counsel on 26.12.2005, but due to the illness



of the advocate, the present RA was filed on 30.5.2006.

3. 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.

4. 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.

5. On the other hand , a Full Bench of the Kolkata High Court has held that delay in filing a review application can be condoned.

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

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7. 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 dismissed in circulation.


[Sadhna Srivastava] M [J]

/cbs/