

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI ABENCH: :MUMBAI

REVIEW PETITION NO. 2006/2002
IN
ORIGINAL APPLICATION NO. 506/1996

THURSDAY, THIS THE ~~30~~¹⁰ MAY, 2002

CORAM: HON'BLE SHRI S.L. JAIN. ... MEMBER (J)
HON'BLE SMT. SHANTA SHAstry. .. MEMBER (A)

Dinkar S/o Laxmanrao Mhaski,
R/o 532, Hanuman Nagar, Nagpur. .. Applicant

Versus

1. Union of India,
Ministry of Home Affairs,
New Delhi, through Secretary.
2. The Director General,
Civil Defence, IIInd Floor,
Express Building, Bahadurshah
Zafar Marg, New Delhi.
3. The Deputy Secretary,
North Block, Ministry of
Home Affairs, New Delhi.
4. The Director,
National Fire Service,
Civil Lines, Nagpur. ... Respondents

O R D E R

Hon'ble Smt. Shanta Shastry. Member (A)

This review petition has been filed in respect
of order dated 20.02.2001 in OA No.506/96 by the
original respondents. The OA was allowed.

2. It is seen that the review application is filed
after the prescribed period of 30 days. The respondents
have filed MP for condonation of delay on 08.3.2002 i.e.
after more than a year of the passing of the order. The
respondents have explained that certified copy was
received by them only on 24.9.2001 after reference to

the Ministry of Home Affairs and consultation with the Ministry of Law which took considerable time and therefore, the review could be filed only on 08.3.2002. The respondents have submitted that the delay was not deliberate or due to negligence.

3. We have perused the grounds for the delay. Even after getting the certified copy, the Ministry of Home Affairs took two months to examine the matter and to send it to the Ministry of Law for advice. Even after the receipt of the advice of the Ministry of Law after two months, the respondents have taken further two months to file the review petition. Thus, the review petition has been delayed beyond 30 days period and we are not at all satisfied with the reasons given for filing the review petition so belatedly. Accordingly the review petition is not maintainable and deserves to be rejected.

4. In order to give finality to the matter, the merits of the review petition are also being considered. It has been submitted by the respondents that the judgment of the Madras Bench of the Tribunal dated 19.7.1991 had been relied upon by the Tribunal. However, the facts in that case and the facts in the present case are quite distinct in that in the case before Madras Bench the duties and responsibilities of the applicants therein were similar to those of

draughtsmen in CPWD. The applicants therein were also in grade-II at the time when the OM dated 13.3.1994 was issued. On the contrary in the present case, the qualification of the applicant is definitely lower than any grade of draughtsman in CPWD. The applicant was also not holding the post of draughtsman at the time of issue of the order dated 13.3.1984. The job responsibility of the applicant's post and those of the draughtsman post in CPWD are again not similar. The respondents have also produced a copy of the recruitment rules which were not placed on record at the time of hearing.

5. We have perused the grounds taken by the respondents i.e. the review petitioners. We find that apart from the inordinate delay in filing the review petition, the grounds taken are a repetition of the arguments advanced during the course of the hearing of the OA. The judgment of the Madras Bench was available during the hearing. The respondents had ample opportunity to advance any arguments in that context. It is not that the recruitment rules were not available, but the respondents have failed to produce the same during the hearing. In our considered view therefore, there is no cogent reason to review the order dated 20.02.2001. The review cannot be a ^{u/b} _{form} for rearguing or rehearing the matter. Accordingly, both on ground of

h

delay in filing the review petition and on merits the review petition is rejected.

hauth f

(SMT. SHANTA SHAstry)
MEMBER (A)

S.L. Jain

(S.L. JAIN)
MEMBER (J)

Gajan

dd: 30.5.2002.
order/Judgement despatched
to Applicant/Respondent (s)
on 3.6.2002.

*Ref:
516.*