

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. No.: 5/2003 IN O.A.No. 871/99.

Dated this Friday, the 31st day of January, 2003.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

Yashwant Baburao Handore ... Applicant.

Versus

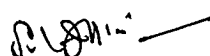
Union of India & Others ... Respondents.

TRIBUNAL'S ORDER ON CIRCULATION :

This is a Review Petition filed by the Applicant in O.A. No. 871/99 which O.A. was disposed of by us vide order dated 06.12.2002. It was a common order disposing of O.A.No. 506/99 and 871/99.

2. We have gone through this Review Petition, and are disposing it of by circulation. We find that the O.A. has been dismissed since we had come to the conclusion that the matter was badly hit by limitation and suffered from the infirmity of delay and laches.

3. The Review Petition seeks to raise the point that since the matter is pending with the Railway Board, it cannot be said that the Applicant is guilty of delay in filing the O.A. Also that, the matter is not hit by limitation, because the Original Application is filed on 20.09.1999; that Applicant had no access

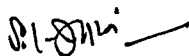


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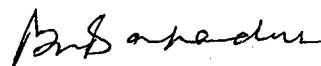
to official documents which were filed by M.P. on 17.12.2002, and that the Labour Union had given him these documents after 06.12.2002.

4. Well as the matter may be pending with the Railway Board or in other level of Government, the contention in fact is that the Government has not decided the matter. The Administrative Tribunals Act, 1985, clearly expects that after making a representation and allowing six months time to elapse, the aggrieved party should come to the Tribunal within one year thereafter. Thus, at best, a period of some 18 months is provided. Hence, the argument that the matter is still pending with the Railway Board holds no water. In any case, these are arguments which really seek to challenge the view of the Tribunal and conclusion reached regarding limitation, delay and laches, and cannot constitute errors apparent on the face of the record, as is made out.

5. We have seen the other parts of the R.P. also and cannot find any argument or fact which can convince us of any error apparent in the judgement. Well as the Applicant may have a grievance against our conclusions, the remedy does not lie in a Review Petition. Hence, the R.P. No. 5/2003 is devoid of merit and is hereby dismissed with no order as to costs.



(S. L. JAIN)
MEMBER (J)



(B. N. BAHADUR)
MEMBER (A).

OS*