

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, BOMBAY.

Review Petition No. 102/94
in
Original Application No. 294/93.

Bhaurao Bansilal Telmore. Applicant.

V/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.

ORDER ON REVIEW PETITION NO. 102/94.

[Per Shri M.S. Deshpande, Vice-Chairman] Dt. 30.8.94.

By O.A. No. 294/93 the applicant had sought payment of back wages from 6.10.1986 until his reinstatement in service on 15.3.1991. The applicant was dismissed from service on 5.7.1990 after a departmental inquiry and that order was set aside in appeal on 13.2.91 and the applicant came to be reinstated on 16.3.1991. The OA was filed on 9.3.1993 obviously beyond the period of one year ^{as} allowed by Section 21 of the Administrative Tribunals Act. The point of limitation had been raised at the earliest stage, but that point was kept open and the question of limitation was ^{to be} considered when the case was taken up for final hearing on 11.7.1994.

2. The only ground which is sought to be made out by the applicant for reviewing the order dismissing the OA as barred by time is that as he was new to the case he had not looked into the Rejoinder which was filed by the original counsel who had died during the pendency of the case. It has been stated in the Review Petition itself that no arguments were advanced by the present counsel on the basis of the Rejoinder filed by the applicant. The Rejoinder only refers to certain case

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laws which would not cover the point of limitation. In any event, it is urged that the dismissal of the case on the ground of limitation was an erroneous decision. If that is the position the Review Petition is not the remedy. No new ground has been made out which would not have been available to the applicant when the matter was heard at the time of final hearing. There is no merit in the Review Petition, it is dismissed.


(M. S. DESHPANDE)
VICE-CHAIRMAN

B.