

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

RP.NO.71/2000 in OA.NO.635/95

Dated this the 9th day of Feb., 2001.

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

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

All India Salt Department Employees'
Union, Bombay Unit through Shri Panaroo
Hariram, General Secretary & Ors.

... Applicants

V/S.

Union of India & 2 Ors.

... Respondents

Tribunal's Order by Circulation

This is a review application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 in respect of the order passed by this Bench on 5.5.2000 in OA.NO.635/95 by the respondents.

2. The review application is filed on 28.11.2000 beyond the prescribed period for filing the review application which is 30 days as per Rule 17 (a) of the Central Administrative Tribunal (Procedure) Rules 1987. Along with the review application an application for condoning the delay in filing the review application (M.P.955/2000) along with date-wise steps taken by the respondents is filed, which is not signed by any official or even by the counsel for the respondents.

S.L.J. -

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3. In view of Section 29 (2) of the Limitation Act, 1963 which is reproduced below for ready reference, the provisions contained in Section 5 of the Limitation Act, 1963 applies :-

"29 (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Sec.3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Secs. 4 to 24 inclusive shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law."

4. Thus the review petitioner has to establish 'sufficient cause' for not filing the review application within the prescribed period of limitation. Merely giving the details how the file moved, may be a fact, but why the file could not be moved, is a fact which can be considered as 'sufficient cause'. Leaving apart minute details it is suffice to state that the file remained from 7.7.2000 to 6.9.2000 in the Ministry of Commerce and Industry and the matter was examined in consultation with Ministry of Finance. If the matter cannot be examined for about two months by the Ministry, no reason coming forth for such delay, it cannot be termed that there was 'sufficient cause' for such delay or the respondents have taken active steps in the matter.

Sign -

..3/-

5. The question of malafides or motive is not much relevant for considering the delay. The allegation that "the delay is squarely due to unavoidable lengthy administrative procedure of the Government and nothing else" cannot be an excuse for sufficient cause. All attempts should be made to do the things within the prescribed period and if in an attempt, the respondents are prevented by unforeseen reasons beyond their control that can be a 'sufficient cause' and not otherwise.

6. In our considered view review petition is barred by time and is liable to be rejected as such and is rejected accordingly.

S.L. Jain
(S.L.JAIN)
MEMBER (J)

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

mrj.