

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

R.P.No-69/2001 in

~~OPEN COURT / PRE DELIVERY JUDGMENT IN OA 778/97.~~

Hon'ble ~~Vice Chairman~~ / ~~Member (J)~~ / Member (A)

may kindly see the above Judgment for

approval / signature.

S. G. D. -
~~V.C. / Member (J) / Member (A) (K/S)~~

~~Hon'ble Vice Chairman~~

~~Hon'ble Member (J)~~

~~Hon'ble Member (A) (K/S)~~

C-2 / 16/5/02

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No.69/2001 in OA.NO.778/97

Dated this the 27th day of May 2002.

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

Hon'ble Shri G.C.Srivastava, Member (A)

Dr.Bawa Rama Solanki

...Applicant

vs.

Union of India & Ors.

...Respondents

TRIBUNAL'S ORDER

{Per : Shri S.L.Jain, Member (J)}

The applicant in OA.NO.778/97 has filed this Review Petition in respect of order dated 14.9.2001 decided by this Bench on 6.11.2001.

2. The applicant has filed along with Review Petition an application for condonation of delay. In the said application, the applicant has stated that "the said judgement and order was received by the petitioner through his counsel somewhere around 4th or 5th of October, 2001 at Diu and as such the petitioner could not prefer the above referred review petition earlier, i.e. within the limitation period of 30 days from the date of the order. There is a delay of about 15 days in preferring the above referred review petition. However, in view of the facts

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mentioned hereinabove and in the interest of justice, the delay in preferring the review petition deserves to be condoned". Perusal of the said averment makes it clear that no ground for condoning the delay has even been stated by the applicant. As per Office report, the counsel for the applicant has received the copy of the said order on 21.9.2001 and there is a delay in filing the review petition.

3. Rule 17 (1) of CAT (Procedure) Rules, 1987 is extracted below :-

"17. Review Petition.- (i) No petition for review shall be entertained unless it is filed within thirty days from the date of the order of which the review is sought."

Perusal of the same makes it clear that review petition is to be filed within 30 days from the date of the order of which the review is sought. Even the applicant does not dispute the said proposition of law.

4. Certainly, there is a power with the Tribunal to condone the delay, if satisfied for the reasons stated in the delay condonation application that the applicant was prevented by sufficient cause for not filing the review petition within the time prescribed under Rule 17 of CAT (Procedure) Rules, 1987. On perusal of the delay condonation application and the review petition, we do not find any reason to condone the delay. As such, the delay condonation application deserves to be dismissed on the ground of being barred by time in view of Rule 17 (i) of CAT (Procedure) Rules, 1987.

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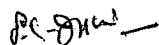
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5. We have perused the order passed by this Bench in OA.NO.778/97 and on perusal of the same, we find that the OA. was partly allowed. The ground on which the review is sought though not necessary to go into merit but to attain finality to the litigation, it is stated that "The petitioner's Advocate has made a statement that he was only claiming salary of the post of Assistant Director of Education w.e.f. 6.12.1994 to 3.7.1998 which was certainly an incorrect statement on facts and such concession by the Learned Advocate of the applicant could not have ^{been} taken into consideration by the Hon'ble Tribunal". Suffice to state that such ground is not available to the applicant to raise in review petition. The reason being the review can be sought only in the circumstances provided in Order 47 Rule 1 CPC (i) Discovery of new or important matters or evidence, or (ii) Mistake or error apparent on the face of record, or (iii) Any other sufficient reason. The ground for review as stated by the applicant has even no merit as it is not covered under any of the said three categories referred above.

6. In the result, the application for delay condonation deserves to be dismissed, as such review is barred by time and even on merits the applicant has no ground to review the order passed in OA.No.778/97. As such, review is dismissed on merits as well as barred by time.


(G.C. SRIVASTAVA)

MEMBER (A)


(S.L. JAIN)

MEMBER (J)

mrj.

dt. 27.5.2002.
order/Judgment despatched
to Applicant/Respondent (s)
on 2.5.2002.


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