

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.



MA 1039/90
IN
RA 131/90
IN
OA 222/90

Date of Decision: 5-4-91

Dinavahi Venkata Lakshmipathy

...Applicant/Applicant

Versus

1. Union of India, rep. by its
Secretary, Ministry of Water
Resources, New Delhi-1.
2. Chairman, Central Electricity
Authority, New Delhi-66.
3. Chairman, Central Water Commission,
New Delhi - 66.

...Respondents/Respondents

Counsel for the Applicant :

Shri B. Narasimha Sarana
Madharam Pal Reddi
N. Rama Mohan Rao

Counsel for the Respondents :

Shri Naram Bhaskar Rao,
Addl.CGSC

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Orders passed in circulation by Hon'ble
Shri D.Surya Rao, Member (J)).

contd....2...

of the Tribunal is erroneous. It is well established that this Tribunal ^{when P} ~~for~~ reviewing its order, can do so ^{P only in accordance with} ~~according to~~ the provisions ^{and P} ~~analagous~~ available to ^a ~~the~~ Civil Court in order 47 Rule-1 of CPC. In our view none of the grounds laid down in order-47 rule-1 of the CPC would apply in the instant case for review of our order dt.25-5-90. Consequently both the MA 1039/90 and the R.P.131/90 are rejected. No order as to costs.

CERTIFIED TO BE TRUE COPY

[Signature]
Date: 9/4/91

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

To avl/

1. The Secretary, Union of India, Ministry of Water Resources, New Delhi-1.
2. The Chairman, Central Electricity Authority, New Delhi-66
3. The Chairman, Central Water Commission, New Delhi-66
4. One copy to *B. Narasimha Sarma* ^{3-6-779, 14th Street,} ~~M/s. N. Rama Mohan Rao, Advocate, Cat. Hyd. Bench, Hyderabad~~
6. One copy to Mr. N-Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.

✓ One spare copy.

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| File Number | RA 131/90 |
| | 5-4-91 |
| | 100-16-4-91 |
| | 86 |
| | Officer (J) |

case. There after this review petition has been filed after an admitted delay of 134 days. The only ground on which the applicant seeks condonation of delay ^{is} that he has preferred an appeal in the Supreme Court against the order of this Tribunal dated 25-5-90, that the Supreme Court dismissed the claim on 21-9-90 and that there-after he ^{has} preferred the present Review Petition. It is clear that ^{no valid} the grounds are adduced for delay in preferring the Review Petition. The right to seek review had arisen immediately after receipt of the Judgment. The fact that the applicant was pursuing the remedy by way of an appeal to the Supreme Court is not a ground for condoning the delay. He ought to have immediately after receiving the Judgment preferred the Review Petition within 30 days of such receipt. Failure to do so is clearly wanton, ^{The fact that the} and since ^{the applicant had} preferred an appeal before the Supreme Court ^{which was later dismissed} before seeking review of our order dt. 25-5-90, clearly shows that he is seeking to try one more chance. Hence it is clear that the ground raised by the applicant for condonation of delay has no merit.

3. Even on merits there are no grounds for reviewing our order dt. 25-5-90. The applicant's contention ^{is} that the ^{this order dt. 25-5-90} Judgment is contrary to law, material on record and without considering the material on record and vi irregularities. All the grounds raised in this Review Petition are the ^{seeking to establish} raised ^{to show that}.