

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 12th day of March, 2012

**Review Application No.05/2012
(Original Application No.196/2010)
With Misc. Application No.59/2012**

1. Union of India
through its Secretary,
Department of Archaeological Survey of India,
Central Secretariat,
Janpath, New Delhi.
2. The Director General,
Archaeological Survey of India,
Govt. of India,
Janpath, New Delhi.
3. The Superintending Archaeologist,
Archaeological Survey of India,
Jaipur Circle,
70/133-140, Patel Marg,
Mansarovar, Jaipur

.. Review Applicants

(By Advocate: Shri Tej Prakash Sharma)

Versus.

1. Mool Chand s/o Shri Dungaram, r/o Village Amanipura,
Tehsil Datanramgarh, Distt. Sikar.
2. Om Prakash Sharma s/o Shri Kanahiya Lal Sharma r/o
Village Samri, Tehsil Roopbas, Distt. Bharatpur.
3. Rang Lal Meena s/o Shri Tundaram r/o Village Guwada,
Tehsil Post Motiwada, Tehsil Rajgarh, Alwar.
4. Lahri Ram Meena s/o Shri Banshi Lal Meena, r/o village
Aaduka, Post Patan, Tehsil Rajgarh, Alwar.

5. Devi Singh s/o Shri Arjun Singh r/o Village Karedia, Tehsil Badesar, Distt. Chittorgarh.
6. Raghuveer Singh s/o Ram Singh r/o Village Surajpole Durg, Distt. Chittorgarh.
7. Bhanwar Lal s/o Shri Hanuman Singh r/o Village Chansing Dak Bangla, Tehsil Malpura, Distt. Jaipur.
8. Rejeev Nayan Dube s/o Shri Narvadeshwar Dube, r/o Village and Post Nunia Pati, Via Shishwan, Distt. Siwan (Bihar).
9. Munesh s/o Shri Bal Mukund, Village and Post Jalkheda, Tehsil and District Bulandshahar (UP).
10. Sukhram s/o Shri Prabhati Lal r/o village and post Gadarwada Gujran, Tehsil Baswa, Distt. Dausa.
11. Hari Kishan Meena s/o Shri Mahadev Meena r/o village and post Gudliya, Tehsil Baswa, Distt. Dausa.
12. Chiranji Lal s/o Shri Pooram Mal r/o Neem Choki, Gurjar Mohalla, Sahar, Sawai Madhopur.
13. Jagdish s/o late Shri Premaram Panwar r/o 135, Jagdamba Colony, Bombay Motors, Jodhpur.
14. Himmat Singh s/o Surya Singh Chouhan r/o Village and Post Arthuna, Tehsil Gadi, Distt. Banswara.
15. Rakesh s/o Shri Nand Lal Verma r/o Purana Maliwara, Tehsil Jhalrapatan, Distt. Jhalawar.
16. Shrawam Meena s/o Shri Mali Ram r/o Village Nayabas, Tehsil Neem Ka Thana, Distt. Sikar.
17. Banwari Lal Meena s/o Shri Latoor Ram Meena, r/o Village Pilwa Kalan, Distt. Dausa.
18. Madan Lal s/o Shri Prasadi Lal r/o Village Nagla Kalyanpura, Post Agapura, Distt. Bharatpur.
19. Hari Kishan s/o Shri Kundan, r/o village kalyanpur, Post Agapura, Distt. Bharatpur.
20. Satya Prakash Singh s/o Shri Pooran Singh r/o Kalind Vihar Colony, Jamnapat, Laxmi Nagar, Mathura.
21. Kamlesh Meena s/o Shri Puni Ram r/o Village and Post Gurlia, Tehsil Baswa, Distt. Dausa.

22. Rohitash Meena s/o Shri Phool Chand Meena r/o Jhalana Plot No. 77 HHA, Malviya Nagar, Jaipur
23. Gopal Lal s/o Shri Girdhari Lal Suthar r/o Kumawaton Ka Mohalla, Kila Chittorgarh.
24. Gagan Kumar s/o Shri Arun Kumar r/o Kalakua, Bainajaka Bagh, Jaipur Road. Alwar.

.. Respondents

(By Advocate:)

ORDER (By Circulation)

The present Review Application has been filed by the respondents in the Original Application for reviewing/recalling the order dated 13th September, 2011 passed in OA No.196/2010, Mool Chand and ors. vs. Union of India and ors.

2. Upon perusal of the material placed on record, it reveals that the Original Application was decided on 13th September, 2011 and the review applicants chosen to redress their grievance by way of filing Writ Petition before the Hon'ble High Court on 13.12.2011 challenging the order dated 13th September, 2011, after a lapse of about 3 months. Had the review applicants filed the Review Application before this Tribunal on the date on which the Writ Petition was filed, the same could have been time barred as per provisions of law prescribed for filing Review Application before this Tribunal. The Writ Petition filed before the Hon'ble High Court was dismissed as withdrawn with liberty to file Review Application before this Tribunal. Even after withdrawal of the Writ Petition on 9.1.2012,



the review applicants filed the present Review Application on 29.2.2012. As per clause (1) of Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, it is provided that no application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

3. The applicants in the Review Application have also filed a Misc. Application No.59/2012 for condonation of delay in filing the Review Application. I have perused the explanation given by the review applicants in the Misc. Application for condonation of delay. The review applicants have neither given any specific reason in support of the delay caused in filing the Review Application nor the delay is sufficiently explained. As such, I am not satisfied with the explanation so given for condoning the delay.

4. Further, the Hon'ble Supreme Court in para 4 of the judgment in the case of K.Ajit Babu vs. Union of India, 1998 (1) SLJ 85 observed as under:-

“.....Besides that, the right of review is available if such application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case of all times to come. Public policy demands that there should be end to law suits and if the view of the tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the



aggrieved persons on restricted ground mentioned in Order 47 of the Code of Civil Procedure, if filed within the period of limitation."

5. If the respondents in the OA have any grievance, they have right to approach the Tribunal by way of filing Review Application within the period prescribed but they have not chosen to redress their grievance by filing Review Application and filed the Review Application only after permission of withdrawal of the Writ Petition by the Hon'ble High Court. Upon perusal of the order of the Hon'ble High Court, it reveals that the Hon'ble High Court has not condoned the delay for filing the Review Application but simply permitted to withdraw the Writ Petition on the prayer of the petitioners therein.

6. Considering the provisions of Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987 and the ratio decided by the Hon'ble Supreme Court in the case of K.Ajit Babu (supra), I am of the considered view that the Review Application is time barred and cannot be entertained at this stage. Consequently, the Review Application and Misc. Application for condonation of delay are dismissed by circulation.

K. S. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/