

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Date of decision: 25<sup>th</sup> February, 2004

EA No.7/2004 (OA No.541/2000)

Jai Prakash Mathur s/o Shri Suraj Narain Mathur  
r/o 3/208, Jawahar Nagar, Jaipur, at present  
working as Technical Officer (T5), Central Sheep  
and Wool Research Institute, Avikanagar, via  
Jaipur.

.. Applicant

Versus

1. Indian Council of Agricultural Research  
(ICAR) through its Secretary, Krishi  
Bhawan, New Delhi.
2. Union of India through its Secretary,  
Ministry of Finance, North Block, New  
Delhi.
3. Central Sheep and Wool Research  
Institute through its Director,  
Avikanagar via Jaipur.

Non-applicants

Amit Nath Mathur - counsel for the applicant.

O R D E R

The present Review Application has been  
filed by the applicant in the OA against the

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order dated 21.1.2004 passed in OA No.541/2000, which was dismissed on both counts, as not maintainable and hopelessly time barred.

2. The case of the applicant in the Original Application was regarding revision of pay scale w.e.f. 1.1.1973. This Tribunal while relying upon the judgment dated 12.7.2000 of this Bench of the Tribunal in OA No.67/91, Mahmood Ansari vs. Union of India and ors., relevant portion of which was reproduced in para 5.1 of the judgment, held that this Tribunal has <sup>now</sup> jurisdiction to consider the grievance of the applicant in respect of an order made any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority is conferred on this Tribunal, in view of the provisions contained under Section 21(2) of the Central Administrative Tribunals Act, 1985. That apart, a finding was also given that even if it is assumed that the present application can be entertained, the same is hopelessly time barred, which could not be admitted and disposed of on merit, in view of the law laid down in the case of R.C. Sharma vs. Udham Singh Kamal, (1999) 8 SCC 304, as the applicant has not filed any application for condonation of delay. Thus, the OA was dismissed on both counts.

3. Now, the applicant has filed this Review Application for reviewing the aforesaid

order on the ground that subsequently the respondents have passed orders whereby benefit has been given to two employees similarly situated vide orders dated 16.1.2004 and 19.1.2004 (Ann.A1) w.e.f. 01.7.1976 and 01.07.1977. The second ground taken by the applicant is that the matter is also squarely covered by the judgment dated 12.8.2000 of the Principal Bench of this Tribunal rendered in OA No.177/2002, which could not be brought to the notice of this Tribunal and which necessitated filing of this Review Application and the said judgment is binding on this Bench of the Tribunal. The third submission made in the Review Application is that the application once admitted could not have been dismissed on the ground of limitation.

4. We have considered the submissions made by the learned counsel for the applicant in the Review Application.

4.1 According to us, the aforesaid grounds do not constitute a ground for reviewing the judgment. As already stated above, the OA was dismissed on two grounds. Firstly, the cause of action has arisen in the year 1973 and the Administrative Tribunal Act, came into force in 1985, as such, as per the judgment rendered by the Coordinate Bench in Mahmood Ansari's case (supra), the OA could have been entertained by this Tribunal if the order has been passed within three years immediately preceding the date i.e.

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1.7.1985 and if the application has been filed within a period prescribed under Section 21 of the Administrative Tribunals Act. Since in the instance case, the order has not been passed within three years prior to the date on which the provisions of the Administrative Tribunals Act became applicable, as such the OA could not have been entertained. Thus, when the findings were given that the OA is not maintainable, this Tribunal has no jurisdiction even to review the order/judgment. Further, the ground taken by the applicant that subsequently orders have been passed whereby the benefit has been extended to other employees, cannot be the ground of reviewing a judgment. Similarly, the ground taken by the applicant that the matter ought to have been decided in the light of the judgment rendered by the Principal Bench in OA No.177/2002 is equally misconceived inasmuch as, in that judgment the issue of maintainability and limitation was not there, as such that judgment is of no assistance to the applicant. Regarding the contention of the learned counsel for the applicant that once the OA is admitted, could not have been dismissed on account of limitation, as well as maintainability is also equally misconceived in view of the law laid down by the Apex Court in the case of E.C.Sharma (supra) whereby the Hon'ble Apex Court has specifically stated that the application which is time barred and is not supported by application of condonation of delay could not have been decided

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on merits.

5. For the reasons stated above, we are of the view that the applicant has not made out any case for reviewing the judgment dated 21.1.2004 rendered in OA No. 541/2000. Accordingly, the Review Application is dismissed by circulation.



(A.K. BHANDARI)

Member (A)



(M.L. CHAUHAN)

Member (J)