

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

RA No.01/2006 with MA No.37/06 in OA No.470/2004.

Jaipur, this the 21st day of February 2006.

Kamlesh Sharma
S/o Shri Gyasi Ram Sharma,
Aged about 49 years,
R/o A/22, Road No.1,
Motinagar, Queens Road, Jaipur.

... Applicant.

By Advocate : Shri R. S. Bhaduria.

Vs.

1. Union of India
Through Secretary to the Govt. of India,
Ministry of Defence,
New Delhi 110 011.
2. The General Manager CSD 'ADELP' 119,
MK Road, Mumbai (Mah.).
3. The Area Manager,
CSD Depot Peru Lines Behind Military Hospital,
Jaipur Cantt.
4. Shri DM Sarkar,
Area Manager CSD Depot,
Jaipur, Behind Military Hospital,
Jaipur Cantt.

... Respondents.

: O R D E R (BY CIRCULATION) :

The applicant has filed this RA against the order dated 9.01.2006 in OA No.470/2004. Along with the *Review* application, the applicant has filed application for condonation of delay. Since the application has been filed beyond 30 days, as such, in view of the law laid down by the Full Bench of Andhra Pradesh in the case of G. Narasimha Rao v. Regional Joint Director, 2005 (4) SLR 720, this Tribunal has no jurisdiction to condone the

delay. The said judgment is squarely applicable in the instant case. The Hon'ble High Court considered the provisions of Section 22 (3) of the Administrative Tribunals Act 1985 and Rule 19 of Andhra Pradesh Administrative Tribunal (Procedure) Rule 1989. Rule 19 of the Andhra Pradesh Administrative Tribunal (Procedure) Rule 1989 is in the following terms :-

"19. No application for review shall be entertained unless it is filed within thirty days from the date of which the review is sought."

The said Rule 19 is para materia to Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987. Thus, in view of the law laid down by the Full Bench of the Apex Court in the case of G. Narasimha Rao (supra) and in the absence of any provisions prescribed for condoning the delay either in Administrative Tribunal Act or in Central Administrative Tribunal (Procedure) Rules, this Tribunal has no jurisdiction to condone the delay in taking aid and assistance of either sub-section (3) of Section 21 of the Act or Section 29 (2) of the Limitation Act.

2. Accordingly, the RA as well as MA No.37/2006, filed for condonation of delay, are hereby dismissed.


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./