

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 03rd day of January, 2008

RA No.12/2007 (OA No.391/03)
Misc. Application No.302/2007

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. J.P.SHUKLA, MEMBER (ADMV.)

M.L.Gupta
s/o Shri Banwari Lal Gupta,
aged about 59 years
r/o 24, Kirti Nagar,
New Sanganer Road,
Sodala,
Jaipur.

..Respondent/Applicant

Versus

1. Union of India through the Secretary to the Government, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Govt. of India, North Block, New Delhi.
2. Union Public Service Commission through its Secretary, Dholpur House, Shahjahan road, New Delhi.
3. The State of Rajasthan through the Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur

Review.Applicant/respondents No 3

(By Advocate: Shri V.D.Sharma)

ORDER (By Circulation)

This Review Application has been filed by respondent No.3 in the OA i.e. State of Rajasthan against the order dated 2nd November, 2007 passed in OA No. 391/2003. While disposing of the OA, this Tribunal has directed the respondent No.2 to reconvene the meeting of Review Selection Committee to review the Select List of 1992-93 within a period of two months from the date of receipt of self contained proposal from the State of Rajasthan i.e. respondent No.3. Regarding consideration of the case of the applicant for appointment by promotion to IAS against the vacancies arising in the year 1993-94 and 1994-95, this Tribunal has directed the respondents to publish the seniority list of the State Civil Service officers in order to enable respondent No.2 to reconvene the meeting of the Review Selection Committee as expeditiously as possible and in any case not later than 3 months from the date of receipt of such proposal.

The respondent State of Rajasthan has filed this Review Application on the ground that fresh seniority list of RAS officers is required to be reconsidered in the light of the seniority list to be prepared on the basis of the judgments of the Hon'ble Supreme Court in the case of M.Nagaraj vs. Union of India and the Hon'ble High Court dated 4.7.2007 in the case of

Smt. Prabha Tak. According to us, this is no ground for seeking review of the judgment. Even otherwise also, the present Review Application is not maintainable and is liable to be rejected on the ground that the Review Application is not filed within the prescribed time although the same is accompanied by Misc. Application No.302/2007 for condonation of delay.

The matter on this point is no longer res-inregra and the same stood concluded by the decision of the Hon'ble Apex Court in the case of K.Ajit Babu vs. Union of India, 1998 (1) SLJ 85 and also the Full Bench of the Andhra Pradesh High Court in the case of G.Nara Simha Rao vs. Regional Joint Director of School Education (WP No.21738 of 1998). The reasoning given in the aforesaid cases were taken into account by this Tribunal in RA No.14/2005 (OA No.193/99), Union of India vs. Ram Singh H. decided on 13th November, 2006. At this stage, it will be useful to quota para 2 of the judgment, which thus reads:-

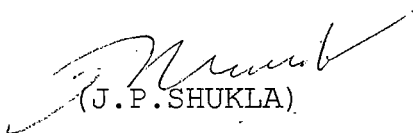
"2. The question whether this Tribunal has got power to condone the delay where the Review Application has been filed beyond the period of 30 days as mentioned in rule 30 of Central Administrative Tribunal (Procedure) Rules, 1987 came for consideration before various Benches of this Tribunal as well as Hon'ble High Court and the matter on this point is no longer res-integra. The Full Bench of the Andhra Pradesh High Court in the case of G.Nara Simha Rao vs. Regional Joint Director of School Education (W.P.21738 of 1998) has already held that the Tribunal has no jurisdiction to condone the ~~delay~~ by taking aid and assistance of either sub-section (3) of Section 21 of the Administrative Tribunals Act or Section

29(2) of the Limitation Act. The matter was also considered by the Patna Bench of this Tribunal in RA No.99 of 2005 decided on 27.1.2006 (Union of India vs. Ramdeo Singh), whereby this Tribunal has considered the fact of two contradictory judgements of Hon'ble Calcutta High Court and the Andhra Pradesh High Court and held that delay in filing the Review Application cannot be condoned. At this stage, it would be useful to quote relevant part of para 4 of the decision of the Apex Court in the case of K.Ajit Babu vs. Union of India, 1998 (1) SLJ 85 which is in the following terms:-

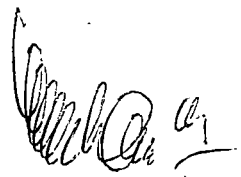
".....Besides that, the right of review is available if such application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject 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."

The reasoning given by this Bench in the case of Union of India vs. Ram Singh H. (supra) is squarely applicable to the facts of this case.

Accordingly, we are of the view that the Review Application as well as Misc. Application for condonation of delay is required to be dismissed as being not maintainable as also on merit. Ordered accordingly.


(J.P. SHUKLA)

Admv. Member


(M.L. CHAUHAN)

Judl. Member

R/