

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 11th day of July, 2011

Review Application No. 16/2011
(Original Application No.258/2009)
with Misc. Application No.170/2011

1. Union of India through General Manager, West Central Railway, Jabalpur (Madhya Pradesh).
2. Shri Rajesh Kumar Mishra, Senior Divisional Engineer (Coordination), West Central Railway, Kota Division, Kota.
3. Shri J.R.Kothari, Senior Enquiry Officer, Vigilance Cell (General Manager's Office), West Central Railway, Jabalpur (Madhya Pradesh).

.. Applicants

(By Advocate: Shri V.S.Gurjar)

Versus

Narayan Kumar Srivastava s/o late Shri Bhairo Singh, working as Chief Law Assistant (Engineering), West Central Railway, Kota Division, Kota resident of c/o House of Shri Rama Kant Gupta, Rubber Factory Road, Bheem Ganj Mandi (Rajasthan).

.. Respondent

O R D E R (By Circulation)

The present Review Application has been filed for reviewing/recalling the order dated 18th April, 2011 passed in OA No.258/2009, Narayan Kumar Srivastava vs. Union of India and ors.

2. The applicants have also filed a Misc. Application No.170/2011 for condonation of delay in filing the present Review Application. We have perused the explanation given by the



applicants for condonation of delay in the Misc. Application. We find that the reason given for condonation of delay does not constitute sufficient ground for condonation of delay.

3. Even otherwise, upon examining the Review Application on merit, we find that the matter regarding limited scope of review has already been settled by the Hon'ble Apex Court in the case of Ajit Kumar Rath Vs. State of Orissa, (1999) 9 SCC 596.

4. Further, on limitation, the Hon'ble Apex Court in the case of K.Ajit Babu vs. Union of India, 1998 (1) SLJ 85 and 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) have already settled the proposition of law. The reasoning given in the aforesaid cases was also 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 reproduce 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 judgments 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.”

Considering the reasoning given by this Tribunal in the case of Union of India vs. Ram Singh H. (supra) based on the ratio decided by the Hon'ble Apex Court in the case of K.Ajit Babu vs. Union of India (supra) and the Full Bench of the Andhra Pradesh High Court in the case of G.N.Nara Simha Rao vs. Regional Joint Director of School Education (supra), is squarely applicable to the present controversy.

4. Accordingly, the Review Application as well as the Misc. Application for condonation of delay stands dismissed by circulation.

Anil Kumar
(ANIL KUMAR)
Admv. Member

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

R/