

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH JAIPUR.

* * *

Date of Decision: 15.7.2000

R.A. No.23/2000 (OA 67/91)

Mahmood Ansari c/o Wahidan Bano, SRO, Railway Mail
Service, Jaipur Division, Kota Junction.

... Applicant

V/s

1. Union of India through Secretary, Ministry of
Communication, Department of Posts & Telegraphs,
New Delhi.
2. Director General of Posts, New Delhi.
3. Sr.Suptd. Railway Mail Service, Jaipur Division,
Jaipur.
4. Secretary, Ministry of External Affairs, New Delhi.

... Respondents

CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

O R D E R

PER HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN


This Review Application is filed for seeking
review of the order dated 12.7.2000 passed in OA 67/91.

2. From the reading of the order we find that the
OA was dismissed on the ground that the order of which the




applicant was aggrieved was not within the period of three years immediately preceding the date on which the jurisdiction was conferred on this Tribunal. In coming to this conclusion we relied Sections 20 and 21 of the Administrative Tribunals Act, 1985. We have also held that the question of condonation of delay, if any, arises ~~not~~ only with reference to the orders passed within three years preceding the date of conferment of jurisdiction on this Tribunal and not with regard to certain orders passed beyond three years contemplated under Section 21(2) of the Administrative Tribunals Act. In other words, this Tribunal has jurisdiction to condone the delay or otherwise having regard to the facts of a particular case only with regard to the orders over which it has jurisdiction. Therefore, the contention of the applicant that he came to know of the order only in the year 1989 and on that basis it is open for him to show the sufficient cause for condonation of delay cannot be accepted and accordingly we have not accepted in the order under review. Therefore, we do not find that there is any error apparent on the face of the record.

As already pointed out by the Hon'ble Supreme Court in AIR 1995 SC 455, Smt. Meera Bhanja v. Nirmal Kumari, the review is not meant to re-appreciate the facts and law already decided. In another case in JT 1999 (1) SC 578, Ajit Kumar Rath v. State of Orissa & Others, the Hon'ble Supreme Court has further pointed out that a review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier i.e. to say that the power of review can be exercised only for correction of a patent error of law or fact without there being any elaborate argument for establishing the same. In the instant case, we have heard both the counsel regarding the jurisdiction of this Tribunal with reference to Sections 20 and 21 of the Administrative Tribunals Act, 1985 and we have come to a particular conclusion. If the applicant feels that the conclusion arrived at by this Tribunal is not correct, he may approach the appropriate forum but so far as this Review Application is concerned, we find that the applicant has not made out any sufficient reason at least even analogous to 'any other sufficient reason' used under Order 47 Rule 1 of CPC. Therefore, in view



of the law declared by the Hon'ble Supreme Court in the cases referred above, we think that this is not a fit case for entertaining the Review Application. Accordingly, ~~xxxxxxx~~ we pass the order as under :-

Review Application is dismissed. No costs.


(N.P. NAWANI)
MEMBER (A)


(B.S. RAIKOTE)
VICE CHAIRMAN