

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

Date of Order : 13.12.2004

Review Application No.27/2003

In

Original Application No.549/99

Smt. Heera Bai Mathur w/o Shri Rajendra Kumar Mathur, by caste Mathur, aged about 38 years, r/o Jaipur, Tea Maker, Tiffin Room, Office of Post Master, Kota.  
... Applicant.

v e r s u s

1. The Union of India through Secretary to the Government of India, Department of Posts, Ministry of Communication, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur
3. The Superintendent of Post Offices, Kota.
4. The Post Master, Kota City, Kota.
5. The Honorary Secretary, Tiffin Room Committee, Office of Post Master, Kota City (Kota).

... Respondents.

Mr. S.K.Jain, counsel for the applicant.

Mr. N.C.Goyal, counsel for the respondents

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.

Hon'ble Mr. A.K.Bhandari, Administrative Member

: O R D E R (ORAL):

The applicant had earlier filed OA No.549/95 in this Tribunal against the order dated 29.3.1995 passed by the Superintendent of Post Offices, Kota (respondent No.3) whereby he had ordered that the Directorate of Canteen has not agreed to register the Kota City Canteen and resultantly terminating the services of the applicant with retrospective effect w.e.f. 26.7.93. In relief, she had prayed that the impugned verbal order dated 31.8.93 be quashed, and direction of the Hon'ble Supreme Court in the matters

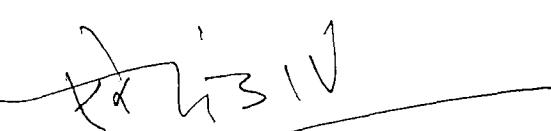
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of canteen employees may be implemented without any loss of time. This Tribunal vide order dated 19.5.2000 disposed of the OA with direction to the respondents to consider the case of the applicant for regularisation in terms of DOT circular dated 15.5.1997 within the period of six months. However, no direction was given to set-aside the impugned verbal order dated 31.8.93. As such, the applicant was deprived of back wages. Against this order passed by the Tribunal, Writ petition was filed before the Hon'ble High Court of Rajasthan, Jaipur Bench which was registered as D.B.Civil Writ Petition No.684/2003. The said Writ Petition was disposed of by the Hon'ble High Court vide order dated 28.1.2003. Despite the fact that contention in that behalf was advanced on behalf of the petitioner, liberty was granted to the petitioner to file Review Application before this Tribunal. With this leave and liberty, the Writ Petition was dismissed as withdrawn and the Hon'ble High Court has further stated that in case the limitation for preferring the review is over, the Tribunal shall condone the delay in filing the same since the petitioner was prosecuting the instant writ petition in this court. The petitioner before the Hon'ble High Court has now filed the present Review Application which was presented before this Tribunal on 5.11.2003, almost 10 months after the disposal of the Writ Petition.

2. Notices of this Review Application was given to the respondents. The respondents have filed detailed reply including the facts that the applicant was not

the period during which the applicant was pursuing the remedy by way of Writ Petition will constitute a sufficient cause and delay for that period may be condoned. For the said period when the Writ Petition was pending, we are of the view that the delay could have been condoned, even if no separate application for condonation of delay was filed by the review applicant/petitioner. But the matter does not rest at this stage. The Writ Petition was disposed of vide order dated 28.1.2003. The Review Application ought to have been filed by the review applicant within a period of 30 days from the date of dismissal of Writ Petition. In fact the Review Application has been filed after a lapse of 10 months i.e. on 5.11.2003. The review applicant has not given any explanation why he has not filed the Review Application within the prescribed period of limitation even after the dismissal of the Writ Petition by the Hon'ble High Court ? Thus, we are of the view that without going into the merit of the case, the present Review Application is liable to be dismissed being time barred.

4. Accordingly, the present Review Application is dismissed without any finding on the merits of the case.

  
(A.K.BHANDARI)

Member (A)

  
(M.L.CHAUHAN)

Member (J)