

**CENTRAL ADMINISTRATIVE TRIBUNAL : JABALPUR BENCH
JABALPUR**

**No.R.A. 18/2006
in O.A. No. 990 of 2005.**

Date of Order : 27.7.2006.

Hon'ble Shri G. Shanthappa, Member (J).

BETWEEN :

**SUDHIR KUMAR LAKHERA,
Aged 36 years,
S/o Late Kishanlal Lakhera,
H.No.275 Sarafa Ward,
Behind Radha Kanya School,
Jabalpur (M.P.).**

... Applicant

(By : Shri B.L.Nag, Counsel.)

A N D

**1. Union of India through
Secretary,
Ministry of Defence,
South Block,
New Delhi-110 011.**

**2. Senior General Manager,
Ministry of Defence,
Gun Carriage Factory,
Jabalpur – 482 011.**

... Respondents

Disposed of by Circulation

ORDER

(G. Shanthappa, Member (J))

The Review Application has been filed under Rule 17 of CAT (Procedure) Rules, 1987, seeking the relief-

"To call for the records for the purpose of review of the final order dated 16.3.2006 and issue notice to the respondents for further hearing in the interest of justice."

2. The impugned order in the Review Application is the order dated 16th March, 2006 in O.A. No.990 of 2005. The Review Application has been filed on 4.7.2006, after expiry of the period of limitation. Rule 17(1) of CAT (Procedure) Rules states-

"No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed."

3. The applicant has filed M.A. No. 679 of 2006 for condonation of delay in filing the Review Application. In the said M.A. the reason given by the applicant for not filing the Review Application within 30 days as per Rule 17 of CAT (Procedure) Rules, 1987, is that he is the only son and was running from pillar to post for medical treatments of his old mother aged 60 years and aunt aged 45 years, who subsequently died. The applicant has not produced the medical and death certificates along with the M.A., in support of his said submission.



4. The grounds urged in the R.A. are-

- (i) The order. dated 16.3.2006 in O.A. No. 990 of 2005 was passed when both the applicant and his counsel were absent. Only the Government Advocate for the respondents was marked present.
- (ii) Reasonable opportunity has not been granted to the applicant. Pleadings were not completed before final order.
- (iii) Reliance should not have been placed on 100 Point Grading Scale.

5. Subsequent to the disposal of O.A. No.990 of 2005, the respondents have passed the order dated 29.5.2006, after considering all aspects of the applicant's case, which has been produced as Annexure-RA/5.

6. I have carefully examined the pleadings and gone through the impugned order dated 16.3.2006. I find there is no error apparent on the face of the record, neither arithmetical mistake nor clerical error in the said impugned order. When the respondents have taken a decision, as directed by the Tribunal, the question of reviewing the order dated 16.3.2006 does not arise. The applicant is at liberty to challenge the order dated 29.5.2006.

7. The date of receipt of the order dated 16.3.2006 has not been mentioned. The applicant slept over the matter till he received the order dated 29.5.2006 (Annexure-RA/5). The limitation begins immediately after 30 days from the date of receipt of the Tribunal's order dated 16.3.2006. Since the applicant has not given sufficient and bonafide reasons and has not produced any kind of documents on the basis of the reasons assigned in the M.A., I am of the considered view that the applicant has not made out a case for condoning the delay in filing the Review Application well within the period of limitation.



Accordingly, M.A. No.679 of 2006 is rejected.

8. Since the M.A. for condonation of delay has been rejected, consequently, the R.A. is also dismissed by circulation. No costs.


G. Shanthappa)
Member (J)

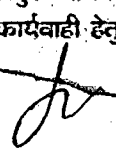
rs.

प्रत्येक सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्थात् :-

- (1) सचिव, उच्च न्यायालय काय एमोविलुशज, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....को कायमल B.L. No. 1009
- (3) प्रत्येकी श्री/श्रीमती/कु.....को कायमल Dr. J. K. J.

(4) ग्रंथपाल, स्टे.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

 Dr. J. K. J.
17.8.06.

Issues
on 17.8.06

