

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH, JABALPUR.

RA.37/2004 in OA.15/1998

Jabalpur, this the 2nd Day of June, 2004.

1. Union of India through
the Secretary,
Ministry of Communication,
Department of Telecom,
New Delhi.
2. Chief Engineer (Civil),
Department of Telecom (Civil),
M.P. Zone.127, Narayani Complex,
Bhopal (M.P.)
3. Chief General Manager,
Telecom (GMT),
Hoshangabad Road,
Bhopal (M.P.)

...Applicants in RA

versus

Ashok Kujmar Jain S/o Late Shri D.L.Jain,
R/o Ashok Building,
Opposite Garha Police Station,
Medical College Road,
Jabalpur (M.P.)

...Respondent in RA.

O R D E R (in circulation)

By Mr. G. Shanthappa, Judicial Member.

The above mentioned RA is filed by the respondents in OA to review the orders passed by this Tribunal on 17.12.2003 in OA.15/1998. The said RA has been filed after the period of limitation. MA.490/2004 has been filed wherein it is stated that a Writ Petition has been filed before the Hon'ble High Court of Punjab and Haryana by the Department of Telecommunication and is pending and the same has been received by the office at Bhopal on 12.3.2004 and was sent to Jabalpur Division and was received only on 15.3.04.

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Thereafter the applicants prepared the RA. Hence there was a bonafide delay which was not deliberate.

2. The Bangalore Bench of this Tribunal in the case of Union of India & Ors. vs. P. Umashankar & Ors. reported in 2004 (1) (CAT) 128 has held that Review is an extension of original application and so, on that basis Tribunal can condone the delay.

Following the ratio of the above Judgement and ^{for} the reasons assigned by the review applicants in the MA, the delay in filing the RA is condoned.

3. However, on going through the Order passed by this Tribunal in OA.15/98, we find that the same has been passed on the basis of pleadings and documents available on record and after hearing the learned counsel for both sides. The review applicants did not mention the pendency of the Writ Petition before the Hon'ble High Court of Punjab and Haryana. We have decided this OA on the basis of submissions made by either side and on the basis of the Order passed by the Chandigarh Bench of this Tribunal in similar OA.(OA.886-HR/96) dated 6.2.2002. The said order is under challenge before the Hon'ble High Court of Punjab and Haryana at Chandigarh and the decision to be rendered by the

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Hon'ble High Court is applicable to the present case also.

4. We have carefully considered the RA and the impugned order. No clerical/arithmatic mistake or typographical error has been pointed out by the in the RA.

applicants. It is the settled legal position that the review proceedings are to be strictly confined to the ambit and scope of Order 47 Rule 1 of CPC.

In exercise of the jurisdiction under Order 47

Rule 1 CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered has a limited purpose and cannot be allowed to be an appeal in disguise (See-Parsion Devi Vs. Sumitri Devi & Ors., JT 1997 (8) SC 480).

5. In view of the foregoing, we do not find any merit in this RA and is accordingly rejected at the circulation state itself.

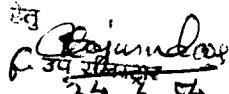

(G. SHANTHAPPA)
MEMBER(J)


(M.P. SINGH)
VICE CHAIRMAN

/kam/

पूर्णांकन सं. नं./व्या..... दस्तावेज़, दि.....
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सूचना एवं आवश्यक कानूनी दस्तु

SP Singh
S. Paul


24.6.04

Issued
On 24-6-04
By