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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

(THIS THE 01st DAY of **June, 2018**)

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)

Civil Misc. Review Application No. 330/00024/2018

**In
Original Application No. 330/01286 / 2011.**

Dr. D.S. Singh

.....applicant

V E R S U S

Indian Council of Agricultural Research and another.

.....Respondents

**For the Applicant :- In person
Advocate for the Respondents:-**

**O R D E R
Delivered by Hon'ble Mr. Gokul Chandra Pati, Member (A)**

The instant Review Application has been filed by the applicant against the order dated 01.02.2018 passed by this Tribunal in OA No. 1286/2011 (Dr. D.S. Singh Vs. Indian Council of Agricultural Research and another). The Review Application has been filed on 16.05.2018 i.e. after a delay of more than three months but the applicant has not filed delay condonation application. Under the rule 17(1) of the CAT (Procedure) Rules, 1987, the Review Application is not maintainable unless it is filed within thirty days from the date of receipt of a copy of the order against which the Review Application is filed. Hence, the present Review Application is not maintainable as it is not filed within the time stipulated under rule 17(1) of CAT (Procedure) Rules, 1987.

2. Hence, it is seen that the present Review Application is highly belated in as much as the order was passed on 01.02.2018, whereas, the present Review Application has been filed on 16.05.2018 i.e. after lapse of more than three months, which is beyond the period of limitation of 30 days, as prescribed under CAT (Procedure) Rules. The applicant has also not filed delay condonation application for condonation of delay. In the case of **K. Ajit Babu Vs. Union of India – 1997 (6) SCC 473**, while examining the provisions of Section 22(3)(f) of the AT Act and the Rule 17(1) of CAT (Procedure) Rules and also order 47 Rule 1 of CPC, the Hon'ble Apex Court held that the right of review is available to the aggrieved person on restricted ground as mentioned in the Order 47 of the Code of Civil Procedure if filed within the period of limitation. The matter of condonation of delay in such cases also came before the Full Bench of Andhra Pradesh High Court in the case of **G. Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and others – 2005(4) SLR 720**, where it was laid down that the Tribunal will not have jurisdiction to condone the delay under the Limitation Act.

3. For the reasons stated above, the review application is liable to be dismissed.

4. On merits, the review of the order of this Tribunal is done under section 22(3)(f) of the Administrative Tribunals Act, 1985 read with provisions of the Order 47 rule 1 of the CPC states as under: -

“1. Application for review of judgment – (1) Any person considering himself aggrieved –

(a). by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b). by a decree or order from which no appeal is allowed, or

(c). by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

5. From the grounds mentioned in Review Application, it is seen that no new facts or no error on the face of the record has been pointed out in the Review Application.

6. In view of the above, both on the ground of delay and on merit, this Review Application is liable to be dismissed. Accordingly, Review Application is dismissed.

MEMBER (A)

Anand...