

Central Administrative Tribunal
Principal Bench

RA No. 163/2016

MA No.2485/2016

MA No.2486/2016

MA No.2487/2016

in

OA No. 1507/2004

New Delhi, this the 19th day of August, 2016

Hon'ble Dr. B.K. Sinha, Member (A)

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Supdt. Engineer/Estate,
Northern Railway, DRM's Office,
State Entry Road,
New Delhi. ...Review Applicants

Versus

Shri Radhey Shyam
S/o late Shri B.Lal,
R/o 84-C, A-1B, Paschim Vihar,
New Delhi. ...Respondent

ORDER (By circulation)

The review applicants (respondents in OA) by way of the instant Review Application have sought review of the interim order dated 01.03.2016 passed by the Tribunal in OA No.1507/2014. They have also filed three Miscellaneous Applications i.e. MA No.2485/2016 for staying operation of the Tribunal's order under review; MA No.2486/2016 seeking condonation of delay in filing the instant RA, and MA No.2487/2016 seeking exemption from filing certified copy of the order under review.

2. Prior coming onto the review application, I feel it expedient to deal with the Miscellaneous Applications. It is seen from the pleadings, as admitted by the review applicants, that the Tribunal's order dated 01.03.2016 had been received by them on 06.04.2016. However, the instant review application has been filed only on 11.08.2016 after a delay of three months from the prescribed period of thirty days as provided under Rule 17 (1) of the Central Administrative Tribunal (Procedure) Rules, 1987. For the sake of convenience, the relevant rule is reproduced hereunder:--

“17. Application for review. - (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed...”

3. Before going into the merits of the RA, it is necessary to deal with the Miscellaneous Application seeking condonation of delay which is of more than 3 months. In the said application, the review applicants have not been able to explain the delay either with documentary proof or with cogent reasons but for some administrative reasons. However, the review applicants have not specifically averred anything about the delay and have just vaguely stated that after due deliberation the competent authority decided to file the instant review application.

4. I am of the opinion that had the review applicants been vigilant in taking a timely decision as to whether the Tribunal's order is to be implemented or a review is needed to be filed, there would have been no occasion of delay in filing the review application. But they have failed to do so. Moreover, as has already been stated above, the review applicants have failed to put forth any cogent reasons for seeking condonation of delay which may warrant dealing with the RA on merit.

5. It is also seen from the contents of MA No.2487/2016 that the review applicants have not even been able to get the certified copy of the Tribunal's order against which the instant RA has been preferred and have, therefore, sought exemption from filing the certified copy thereof. This act of the review applicants shows their slackness and negligence in the matter.

6. In view of the aforesaid reasons, MA No.2486/2016 seeking condonation of delay is dismissed having not explained each day's delay in filing the RA and resultantly other two MA Nos.2485/2016 seeking stay of operation of the Tribunal's order and MA No.2487/2016 seeking exemption from filing the certified copy of the order under review also stand dismissed having become infructuous.

7. In view of totality of facts and circumstances of the case and all the three MAs, particularly MA No.2486/2016 seeking condonation of delay, having been dismissed, the instant RA does not require any consideration on merit and is accordingly dismissed in circulation on account of delay.

(Dr. B.K. Sinha)
Member (A)

/AhujA/