

Central Administrative Tribunal
Principal Bench, New Delhi

RA-242/2014 in
OA-538/2012

New Delhi, this the 02nd day of March, 2017

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

East Municipal Corporation of Delhi: through

1. The Lt. Governor of Delhi,
Govt. of NCT of Delhi,
Administrator,
Municipal Corporation of Delhi,
Raj Niwas, Delhi-54.
2. The Commissioner (East),
East Municipal Corporation of Delhi,
Civic Centre, New Delhi.
3. The Addl. Commissioner (East),
East Municipal Corporation of Delhi,
New Delhi.

... Applicants

(By Ms. Manisha Singh)

Versus

Mrs. Madhu Bala,
S/o Sh. Rajendra Kumar,
Working as Accountant,
Under Executive Engineer (Project-II),
Shahdara-North, MDC Staff Qtrs-Complex,
New Usmanpur, Delhi-110053.

... Respondent

(By Sh. Padma Kr. S.)

ORDER(ORAL)

Hon'ble Mr. Shekhar Agarwal, Member (A)

This review application has been filed for review of our order dated 31.03.2014. In Para 3 of this order the following is stated:

"3. We heard the learned counsel for parties and examined their rival contentions, it is seen that in para 3 of the appeal, the applicant had categorically stated that she could know about the exoneration of Shri Rajesh Khanna, Executive Engineer and Shri Mahender Singh Bhardwaj, Head Clear only on 19.07.2011, thus made an application under Right to Information Act, 2005 to procure the relevant documents and the information was received by her only on 17.11.2011. Once

in the appeal preferred by applicant, she had put forth an explanation for delay and climed the appeal within time limit, while rejecting the same as time barred, the appellate authority ought to have dealt with the same while deciding the appeal. A perusal of the order of appellate authority reveals that the aforementioned plea of the applicant has not been commented upon in any manner."

2. The only ground pressed before us by learned counsel for the review applicant is that an error apparent on the face of the record has occurred in the order of the Tribunal inasmuch as it has been observed that the appellate authority has not considered the plea of the applicant regarding delay in filing the appeal. She submitted that a mere reading of the order dated 06.01.2012 would reveal that applicant's ground for delay in filing the appeal has been duly considered.

3. Learned counsel for the OA applicant, Sh. Padma Kumar S. Opposed this RA on the grounds of delay of 162 days in filing the same. He also submitted that Hon'ble LG has not given any reasons for not accepting the applicant's grounds for delay in filing the application.

4. We have heard both sides and have perused the order dated 06.01.2012. We find that although it is mentioned in the order that the grounds adduced by the applicant for delay in filing the appeal have been considered, there is no mention in the same regarding reasons why these grounds have not been accepted. Moreover, we find that order in question is not an order passed by LG but a letter communicated to the applicant by Deputy Law Officer (Vigilance). Also no satisfactory explanation has been given for delay in filing this review.

5. In view of the aforesaid, we are of the opinion that there is no merit in this review application. Accordingly, the same is dismissed.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/