

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**R.A.No.180/00006/2018 in O.A.No.180/00051/2016  
& M.A.No.180/00132/2018 in R.A.No.180/00006/2018  
in O.A.No.180/00051/2016**

**Wednesday, this the 7<sup>th</sup> day of March, 2018**

**C O R A M:**

**HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER**

1. The Controller of Communication Accounts,  
Department of Telecommunication, Kerala Circle,  
Thiruvananthapuram – 695 033.
2. Union of India represented by its Secretary,  
Department of Telecom Services,  
Sanchar Bhavan, 20 Ashoka Road,  
New Delhi – 110 001.
3. The Secretary,  
Department of Pension & Pensioner's Welfare,  
South Block, New Delhi – 110 001. ...Review Applicants

**(By Advocate Mr.N.Anil Kumar)**

**V e r s u s**

1. K.M.Chandran,  
Retired Telecom Technical Assistant,  
Office of Sub Divisional Engineer (Power Plant),  
Muvattupuzha – 686 661.  
Residing at Koodaramolathu House,  
East Vazhapally, Muvattupuzha – 686 673.
2. C.A.Kuriakose,  
Retired Telecom Technical Assistant,  
Office of Sub Divisional Engineer (Transmission),  
Muvattupuzha – 686 661.  
Residing at Chempakathinal,  
East Marady P.O., Muvattupuzha – 686 673.
3. The Principal General Manager,  
Office of General Manager, Telecom,  
Bharat Sanchar Nigam Limited,  
Ernakulam – 682 016.

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4. The Chief General Manager, Telecom,  
Bharat Sanchar Nigam Limited, Kerala Circle,  
Thiruvananthapuram – 695 033.

5. The Chairman and Managing Director,  
Bharat Sanchar Nigam Limited,  
Corporate Office, Statesman House,  
New Delhi – 110 001.

...Review Respondents

### **O R D E R (By Circulation)**

This review application and miscellaneous application have been filed by the respondents in the O.A seeking a review of Annexure R.A-1 order passed by this Tribunal on 7.4.2017. By M.A.No.180/132/2018 the Review Applicants seek condonation of delay of 250 days in filing the R.A. They state that they could not file the R.A within the limitation period due to administrative delay and as they, the individual officers, are located in three different corners of the country and that for coordination of the review applicants to take steps to file this review application took some time.

2. It is settled law by the Hon'ble Apex Court in **K.Ajit Babu v. Union of India (1997) 6 SCC 473** that the right of review is available only if the R.A is filed within the period of limitation. In that case the Apex Court has held as follows :

“ The right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on limited grounds, mentioned in Order 47 of these Code of Civil Procedure. Although strictly speaking the Order 47 of the Code of Civil Procedure may not be applicable to the tribunals but the principles contained therein surely have to extended. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision. Besides that, the right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against,

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attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of party feeling adversely affected by the said decision. A party in whose favour a decision has been given can not monitor the case for all times to come. Public policy demands that there should be no law suits and if the view of the tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the aggrieved persons on restricted ground mentioned in Order 47 of the Code of Civil Procedure if filed within the period of limitation.”

3. This Tribunal is not satisfied with the reasons stated for the delay. In view of the requirement of strict adherence of timely filing of R.A as held in the above cited decision of the Apex Court, the present R.A having been filed beyond the period of limitation, is only to be dismissed.

4. In the result, M.A.No.180/132/2018 is dismissed. Consequently the R.A is also dismissed. No costs.

(Dated this the 7<sup>th</sup> day of March 2018)

**(U.SARATHCHANDRAN)**  
**JUDICIAL MEMBER**

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**List of Annexures in R.A.No.180/00006/2018 in O.A.No.180/00051/2016**

- 1. Annexure RA-1** – True copy of the final order dated 7.4.2017 in O.A.No.51 of 2016.
  - 2. Annexure RA-2** – True copy of the DoT O.M.No:40-12/2016-Pen(T) dated 15.2.2017.
  - 3. Annexure RA-3** – True copy of the DoT Lettere of even No: dated 22.6.2017.
  - 4. Annexure RA-4** – True copy of the Letter No.40-22/2011-Pen(B) dated 8.6.2017.
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