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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Review Application No.180/00047/2018
in Original Application No.1088/2011**

Wednesday, this the 19th day of September, 2018

CORAM:

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

1. K.J.Antony,
S/o.late Joseph,
Net Maker, Central Institute of Fisheries,
Nautical & Engineering Training (CIFNET),
Fine Arts Avenue, Cochin – 682 011.
Residing at Kurisinkal House,
Chellanam P.O., Cochin – 682 008.
2. K.R.Ajith Babu,
S/o.N.Ravi,
Net Maker, Central Institute of Fisheries,
Nautical & Engineering Training (CIFNET),
Fine Arts Avenue, Cochin – 682 011.
Residing at Kalanilayam House,
House No.10/1435 A, Fort Cochin,
Cochin – 680 001.
3. K.S.Sajeev,
S/o.Sreedharan,
Net Maker, Central Institute of Fisheries,
Nautical & Engineering Training (CIFNET),
Fine Arts Avenue, Cochin – 682 011.
Residing at Kumaroth House,
Mill Lane, Pallimukku, Cochin – 682 016.Review Applicants

(By Advocate Mr.R.Sreeraj)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Department of Animal Husbandry, Dairying and Fisheries,
Ministry of Agriculture, New Delhi – 110 011.

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2. The Director,
Central Institute of Fisheries,
Nautical & Engineering Training (CIFNET),
Fine Arts Avenue, Cochin – 682 011. ...Review Respondents

O R D E R (Under Circulation)

The Review Application has been filed by the applicants in the O.A seeking a review and recall of the order in the O.A passed by this Tribunal on 25.6.2013. The contention raised in the R.A is that the facts pertaining to the case went unnoticed as the Tribunal disposed of the case along with two O.As by common order.

2. The review applicants have along with this R.A filed two M.As, M.A.No.180/1032/2018 is for condoning the delay of 1351 days in filing the R.A and M.A.No.180/1027/2018 is for condoning the delay of 537 days in representing the R.A after curing the defects. In the delay applications they have submitted that the delay has occurred since they were consulting their counsel.

3. The provision under Rule 17(1) of CAT (Procedure) Rules states that a review application is to be filed within thirty days from the date of receipt of copy of the order sought to be reviewed. In this case there has been a long delay of 1351 days in filing the R.A and again a delay 537 days in representing the R.A after curing the defects, reasons for which have not been adequately explained. Clearly it can be seen the delay has been of inordinate

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length. We may usefully refer to the judgment of the Hon'ble Supreme Court in the case of ***Chennai Metropolitan Water Supply and Sewage Board Vs. T.T.Murali Babu (2014) 4 SCC 108***, wherein it is held as under :

“the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant, a litigant who has forgotten the basic norms, namely, procrastination is the greatest thief of time and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

It was further held therein:

.....A court is not expected to give indulgence to such indolent persons – who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

4. Thus on the ground of delay itself, this R.A is liable to be rejected. We proceed to do so. No order as to costs.

(Dated this the 19th day of September 2018)

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in R.A.No.180/00047/2018 in O.A.No.1088/2011

1. Annexure RA-1 – True copy of the common final order dated 25.6.2013 in O.A.No.1086/2011, O.A.No.1088/2011 & O.A.No.1124/2011 on the file of this Hon'ble Tribunal.
