

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**R.A.No.180/00009/2018 in M.A.No.180/00624/2016 in O.A.No.105/2011
& M.A.No.180/00162/2018 in R.A.No.180/00009/2018
in M.A.No.180/00624/2016 in O.A.No.105/2011**

Monday, this the 19th day of March, 2018

CORAM:

**HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Ms.P.GOPINATH, ADMINISTRATIVE MEMBER**

P.Raghava Poduval.

...Review Applicant

(By Party in Person)

V e r s u s

1. Union of India represented by its Secretary,
Ministry of Communication & I.T.,
Department of Telecom, New Delhi – 110 001.
2. The Chairman and Managing Director,
BSNL Corporate Office,
Barakhampa Road, New Delhi.
3. The Chief General Manager,
Kerala Telecom Circle, BSNL,
Thiruvananthapuram – 695 033.
4. General Manager, BSNL,
Telecom District, Kannur – 670 002.
5. The Controller of Communication Accounts,
Kerala Circle, Department of Telecom,
Thiruvananthapuram – 695 033.

...Review Respondents

O R D E R (By Circulation)

HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER

Applicant in O.A.No.105/2011, who was appearing in person, is seeking a review of Annexure R.A-1 order dated 17.11.2016 passed in M.A.No.180/624/2016.

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2. Review applicant has also filed M.A.No.180/162/2018 for condoning the delay of 190 days in filing the R.A.

3. The reasons stated by the review applicant for the delay in filing the R.A is that he had undergone a major eye surgery at Mangalore and was inpatient in Eye Hospital in Kuthattukulam from 2.2.2017 to 25.2.2017. Annexure R.A-1 order was passed on 17.11.2016 a copy of which, according to the review applicant, was received by him by post only on 7.12.2016. He stated that from May, 2016 he was undergoing treatment and was totally blind during the period under eye surgery done on him. It appears that the review applicant was quite aware of Annexure R.A-1 order but could not approach the Tribunal due to his illness which occurred in May, 2016. However, it appears from Annexure R.A-1 order that the review applicant had appeared before this Tribunal on 27.10.2016 for arguing the matter in person.

4. Hon'ble Apex Court in **K.Ajit Babu v. Union of India (1997) 6 SCC 473** held :

“ 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, 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

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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.”

5. In the light of the aforesaid decision of the Hon'ble Apex Court, as the R.A was not filed within the period of limitation M.A.No.180/162/2018 to condone the delay is dismissed. Consequently, the R.A also is dismissed. No costs.

(Dated this the 19th day of March 2018)

(P.GOPINATH)
ADMINISTRATIVE MEMBER

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

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List of Annexures in R.A.No.180/00009/2018 in O.A.No.105/2011

- 1. Annexure RA-1** – True copy of order dated 17.11.2016 in M.A.No.624/2016 in O.A.No.105/2011 of the Hon'ble C.A.T., Ernakulam.
 - 2. Annexure MA-1** – True copy of Medical Certificate issued by Dr.Nameeth D'Zouza, Mangalore dated 4.7.2016.
 - 3. Annexure MA-2** – True copy of the OP treatment prescription from Dr.Narayanan Namboodiri, Sreedareeyam Eye Hospital, Koothattukulam.
 - 4. Annexure MA-3** – True copy of Discharge Certificate issued by Sreedhareeyam Eye Hospital and Research Centre (P) Ltd. Koothattukulam dated 24.2.2017.
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