

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOKKATA**



Review Application No.350/00033/2016
In
Original Application No: 350/00595/2016

A.W.
Review Application No. 350/00034/2016
In
O.A. No. 350/01103/2016

A. W.
Review Application No. 350/00035/2016
In
O.A. No. 350/01189/2016

This the 23rd day of January, 2017.

HON'BLE MR. JUSTICE V.C.GUPTA MEMBER (I)
HON'BLE MS. JAYA DAS GUPTA, MEMBER(A)

1. Review Application No.350/00033/2016
In
Original Application No: 350/00595/2016

Bipul Kumar Biswas & Others

....Applicants

By Advocate Sri M.S. P. Mondal
Vs.

Union of India & Others
By Advocate None.

...Respondents

A.W.

2. Review Application No. 350/00034/2016
In
O.A. No. 350/01103/2016
Sri Kaishinath Mondal & Ors.

....Applicants

By Advocate Sri Ms. P. Mondal
Vs.

Union Of India & Ors.

.....Respondents

By Advocate None .

A.W.

3. Review Application No. 350/00035/2016

In

O.A. No. 350/01189/2016

Supriya Sarkar and Others

.....Applicants.

By Advocate Ms. P. Mondal.

Vs.

Union of India & Others.

.....Respondents.

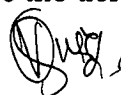
By Advocate None.

ORDER(UNDER CIRCULATION)

By Hon'ble Mr. Justice V. C. Gupta, Member (I)

All these three Review Applications arising out of the same judgment delivering in bunch cases on 6th of October, 2016. Hence they are being disposed of by common order. All the three review petitions were filed on 22nd November, 2016. On the ground mentioned there in, we are of the view that these review petitions are not maintainable in view of the fact that they have been filed beyond the period of limitation and in view of the judgment rendered by the Full Bench of Andhra Pradesh High Court in the case of ***G. Narasimha Rao Vs. Regional Joint Director of School Education, Warrangal and Others, 2005 (4) SLR 720***, they cannot be entertained. The relevant portion of which is quoted herein below:-

"Keeping the above guidelines in the background of the case, we have to see whether the tribunal can entertain such review as and when approached with the plea of discovery of new and important fact or evidence, which was not brought to the notice of the Tribunal while passing the order which resulted in miscarriage of justice. If so, whether the Tribunal can entertain such review and can condone the delay by taking the



aid and assistance of Sub-section (3) of Section 21 of the Act which enables the Tribunal to entertain the original application. It is well settled that exercise of power will be circumscribed by the relevant statutory provisions and the rules made thereunder."

While referring to Rule 19 it held:

Rule 19 is couched in negative form and disables the person from seeking review under Section 22(e)(f) of the Act, in case review is not filed within 30 days of the order. However, in the Act nowhere it is stated the method or manner or time limit to file such review except Rule 19. In view of the same, the power of Tribunal to condone the delay under Section 21 of the Act is applicable only to the applications filed under Section 19, but the same cannot be made applicable to the review sought under Section 22(3)(f). Sub-section (1) of Section 22 puts an embargo on exercise of such power by the Tribunal, namely that the power of the Tribunal shall be guided by the principles of natural justice and of any rules made by the Central Government. In the absence of any provisions prescribed for condoning the delay either in the Act or in the Rules, the Tribunal will not have jurisdiction to condone the delay in taking aid and assistance of Section 5 of the Limitation Act on the premise that Limitation Act is made applicable in view of Sub-section (2) of Section 29 of the Limitation Act.

In the view we have taken, we answer the reference holding that the Administrative Tribunals Act and the Rules made thereunder are impliedly infer that the Tribunal will not have jurisdiction to condone the delay by taking aid and assistance of either Sub-section (3) of Section 21 of the Act or Section 29(2) of the Limitation Act.

3. Moreover, on the merits of the case too, no interference is warranted in the review petition.

5. Accordingly, we do not find any ground to admit the present review petition for hearing. Accordingly, Review Petition is dismissed.

(Ms. Jaya Das Gupta)
Member (A)

(Justice V. C. Gupta)
Member (J)