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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Review Application Nos.180/00023/2019
in
Original Application Nos.180/00609/2017

Tuesday, this the 28th day of May, 2019

CORAM:

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

1. General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
2. The Chief Administrator Officer (Construction),
South Central Railway, Secunderabad.
3. The Deputy Chief Engineer, Gauge Conversion,
South Central Railway, Tirupati – 517 501.Review Applicants
....Respondents in OA No.609/2017

(By Advocate Mr.Thomas Mathew Nellimoottil)

vs.

K.Vidhyadharan,
S/o.Krishnan,
Retired Mopla Khalasi/Carpenter,
O/o.Dy.CE/GC/Tirupati, S.C.Railway.
Residing at Narayaneeyam (Naduvila Veedu),
Karavaram P.O., Kallambalam,
Thiruvananthapuram – 695 605. ...Review Respondent
...Applicant in OA No.609/2017

**ORDER
(BY CIRCULATION)**

HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

RA No.23/2019 in OA No.609/2017 has been filed. The OA was

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disposed of by this Tribunal on 18.01.2019. The Review Application is filed in April, 2019. The Review applicant has not stated any valid reason for the delay.

2. The RA is liable to be rejected on the following ground:

- 1) Rule 17(1) of CAT (Procedure) Rules provides for a Review to be filed within 30 days from the date of receipt of copy of the order sought to be reviewed. The Review applicants are seeking review of an order pronounced on 18.01.2019. The RA, thus is time barred.
- 2) No error apparent on the face of the order has been cited in the Review Application meriting a review.

3. 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

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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. There is no provision for condoning the delay in filing the RA. Therefore, we are of the view that this Tribunal has no jurisdiction to condone the delay in filing the Review Application. Besides no adequate grounds have been raised to justify a review. Hence, the MA No.180/00457/2019 is dismissed. Consequent to the dismissal of the MA the Review Application is also dismissed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in R.A.No.180/00023/2019 in O.A.No.180/00609/2017

- 1. Annexure RA-1** – True copy of order dated 18.01.2019 in O.A.No.180/609/2017.
