

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Review Application No.180/00024/2019
IN
Original Application No.180/00243/2019

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

Shri C.Sreenivasan,
S/o late C.Koru,
Aged 57 years,
AHRO (HSG II) Accounts Supervisor,
Department of Posts,
Head Record Office,
Calicut – 673 032.
residing at Chalappurah House, PO.
Azhinhilam,
Via Farook College-673 032,
Malappuram District,
Kerala.

....Applicant

(By Advocate Mr.V.Sajith Kumar)

V e r s u s

1. Union of India,
Represented by Secretary
to Government, Department of Posts,
Ministry of Communications,
Government of India,
New Delhi – 110 001.
2. The Post Master General,
Northern Region,
Department of Posts,
Calicut – 673 011.

.2.

3. The Chief Post Master General,
Department of Posts,
Kerala Circle,
Thiruvananthapuram -695 033.

4. The Superintendent,
Department of Posts,
RMS CT Division,
Calicut – 673 032.

.....Respondents

ORDER
(BY CIRCULATION)

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

RA No.24/2019 in OA No.243/2019 has been filed by the applicant in OA. The OA was disposed of by this Tribunal on 16.04.2019. The Review Application is filed on 21st May, 2019. The Review applicant has not filed an MA seeking condonation of 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 16.04.2019. 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

.3.

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. The Review application is time barred and also the review applicant has failed to point out any error much less an error apparent on the face of record justifying the exercise of power under sub-clause (f) of sub-section (3) of Section 22 of the Administrative Tribunals Act, 1985. Therefore, review application deserves to be dismissed and accordingly, the same is dismissed.

No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

sd

.4.

List of Annexures in R.A.No.180/00024/2019 in O.A.No.180/00243/2019

1. **Annexure RA-1** – True copy of order dated 16.04.2019 in OA No.243/2019 of the Hon'ble Central Administrative Tribunal, Ernakulam Bench.
