

Reasoned
CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

REVIEW APPLICATION NO.200/00003/2017
(in OA No.202/00204/2016)

Jabalpur, this Monday, the 08th day of April, 2019

HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER

Balwant Rai
S/o Late Atmaram,
Aged about 66 years,
R/o-A-21, Professor Colony Suhagi,
Adhartal, Jabalpur (M.P).
(By Advocate-Shri S.K. Nandy) -Applicant

V e r s u s

1. Union of India, Through its Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi-110001.

2. The Director General,
Indian Counsel of Agriculture Research,
Krishi Bhawan, New Delhi

3. The Under Secretary (Vigilence),
Indian Counsel of Agriculture Research,
Krishi Bhawan,
New Delhi.

4. Director, Indian Veterinary Research Institute,
Izatnagar, Bareilly (Uttar Pradesh)-243122.

5. The Director, Directorate of Weed Control Research,
(former NRCWS), Maharajpur,
Adhartal,
Jabalpur-482004. -Respondents

(By Advocate- Shri S.K.Mishra)

OR D E R

By Ramesh Singh Thakur, JM-

This Review Application has been filed by the applicant to review the order dated 13.06.2016 (Annexure RA/1) passed by this Tribunal in Original Application No.200/00662/2010. Along with this Review Application, the applicant has filed M.A. No.200/01108/2016 for condoning the delay in filing the Review Application.

2. We have issued the notice to the respondents and the respondents have raised the issue regarding the maintainability of the Review Application as the Review Application has been filed after limitation. It has been submitted by the respondents that the Review Application is not maintainable on the ground of limitation and doctrine of estoppels. Moreover, there is no error apparent on the face of the record. So, the Tribunal has a limited scope for interference in review jurisdiction.

3. We have heard the learned counsel for the parties and also gone through the documents attached with the Review Application.

4. At the outset, the first question for determination is that whether the review can be filed after expiry of limitation period. The counsel for the applicant has relied upon the judgment passed by Hon'ble High Court of Calcutta full bench W.P.C.T. No.271/2001 decided on 08.10.2002 in the matter of Union of India and others vs. Central Administrative Tribunal and another. It has been submitted by the Review Petitioner that as per judgment of Hon'ble High Court of Calcutta Full Bench (supra) that Section 22 of the Administrative Tribunal Act 1985 and Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 did not exclude the Section 17 of the Limitation Act, 1965. So the Tribunal is conferred with power under the Act and the Rules to condone delay under Section 5 of the Limitation Act in filing a review application despite Rule 17 of the said rules.

5. On the other side the respondents have relied upon the judgment passed by the Central Administrative Tribunal Lucknow Bench in Review Application

No.332/00006/2016 in O.A. No.523/2014 decided on 02.03.2016 in the matters of Farzan Ahmad vs. Union of India and others. In the said order, the Coordinate Bench of this Tribunal has dismissed the Review Application on merit as well as limitation.

6. The counsel for the respondents has also relied upon the order dated 21.01.2017 passed by this Tribunal in Review Application No.200/00001/2017 in O.A. No.155/1999 wherein this Bench has dismissed the Review Application on the ground of delay in filing review. Further this Bench has relied upon the judgment passed by the Hon'ble High Court of Andhra Pradesh in G. Narasimha Rao vs. Regional Director of School Education and others, 2005 (4) SLR 720. This Bench has also relied upon the order passed by Principal Bench of this Tribunal in M.A. No.3594/2014 arising out of R.A.No.216/2014. So, this Bench has also rejected the review application on the ground of delay.

7. In the instant case, the Review Application has been filed by the applicant on 23.12.2016 for reviewing the order dated 13.06.2016 passed in O.A. No.662/2010 (Annexure RA/1). Moreover the applicant has also moved an M.A. No.200/1108/2016 for condoning the delay in filing the review application. So, in view of the law settled by this Tribunal in R.A. No.200/00001/ 2017 (supra), the application for condonation of delay in filing the review application is not maintainable. Moreover, in the said Review application this Bench has relied upon the matter of G. Narasimha Rao (supra). So, we are of the view that this issue has been settled by our Bench in R.A. No.200/00001/2017 (supra). Hence, M.A. No.200/1108/2016 for condoning the delay is dismissed.

8. Resultantly, the Review application is dismissed.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member