

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

M.A.No.1202 of 2019
In
Review Application
in
O.A. No.66 of 2016

This the 15th day April 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Vijaya Kumari Sharma,
Aged about 48 years,
W/o late Shri Suresh Chand Sharma,
2. Pankaj Kumar Sharma,
Aged about 26 years,
S/o late Sh. Suresh Chand Sharma
3. Sandeep Kumar Sharma,
Aged about 24 years,
S/o late Sh. Suresh Chand Sharma
4. Sanjay Kumar Sharma,
Aged about 21 years,
S/o late Sh. Suresh Chand Sharma
5. Savita Sharma,
Aged about 20 years,
D/o late Sh. Suresh Chand Sharma
6. Ritu Sharma,
Aged about 18 years,
D/o late Sh. Suresh Chand Sharma,

All R/o H.No.894, Shiv Puri,
Vijay Nagar, Sector-9, Ghaziabad, UP ...Review Applicants
(Filed by Advocate Shri Sanjeev Kumar Choudhary)

Versus

Union of India through

1. General Manager,
Northern Railway, Headquarters Office,
Baroda House, New Delhi

2. Divisional Railway Manager,
Northern Railway, DRM Office,
State Entry Road, New Delhi
3. Smt. Raj Kumari,
D/o Sh. Sohan Pal Sharma,
R/o Village Kasumi, P.P.—Soi,
Dist. Bulandsahar, Uttar Pradesh

.....Respondents

O R D E R (In Circulation)

MA No.1202/2019

This MA has been filed by the review applicants seeking condonation of delay in filing the Review Application, vide which the review applicants are seeking to review the Order passed on 26.09.2018 in OA 66/2016, and sought condonation of delay of 117 days in filing the Review Application. The instant MA as well as RA was filed on 5.3.2019.

2. As per the provisions of Section 22(3)(f) of the Administrative Tribunals Act, 1985, the review application has to be filed within 30 days from the date of receipt of a copy of the Order sought to be reviewed. The review applicants have pleaded in the instant MA that delay in finalizing the review application was on account that counsel for the review applicants wrongly noted that the OA would be listed on 19.11.2018 whereas the OA was listed for hearing on 19.9.2018 and order was reserved, which was pronounced on 26.9.2018. When the counsel checked the cause list of

19.11.2018, he found that the matter was not listed and thereafter upon enquiry from the Registry, it came to his knowledge that the OA was heard on 19.9.2018 and the same was dismissed vide order pronounced on 26.9.2018. Thereafter the review applicants waited for the official copy of the said Order dated 26.9.2018 and when the same was not received by them, the Advocate for the review applicants applied for the same on 2.1.2019 and a copy of the said Order was received on 13.2.2019. Thereafter there was some delay on account of marriage in the family of the applicants and also due to fund problem. When the fund was made available by the review applicants, the present matter was drafted and filed before this Tribunal on 5.3.2019. As such the delay is neither wanton nor deliberate on the part of the review applicants but has been caused due to administrative procedure, which requires to be followed in the Government cases like the present one and the same may kindly be condoned in the interest of justice.

3. However, this Court finds that the Order under Review was of 26.09.2018 and the Review Application along with this MA has been filed on 5.3.2019 and as such there is certainly a delay of more than 117 days in filing the Review Application. The explanations given in the MA for condonation of delay are not found to be satisfactory to enable this Court to condone the same as it is an admitted

fact that on 19.11.2018, the applicants' counsel was very much aware that the OA was not listed on that day. However, it is not stated in the MA about when he enquired from the Registry about the status of the said OA. He only stated that the applicants waited for the official copy of the Order dated 26.9.2018 but could not receive the same till date. But this Court finds from the Part 'C' file of the OA that a copy of the said Order was dispatched to applicant no.1 in the said OA by speed post on 8.10.2018 but the same was returned on 12.10.2018 with the remarks that because of non-mentioning of name of father and Gali number, the same was not delivered. Since the counsel for the review applicants was aware on or after 19.11.2018 about the status of the said OA, he ought to have applied for the certified copy of the Order passed in the said OA or might have directed the review applicants to apply for the same but their counsel or the review applicants waited till 1.1.2019 and only on 2.1.2019 have applied for the same. As such this Court does not find any sufficient reasons to condone the delay in filing the present Review Application and accordingly, the present MA is dismissed in circulation.

(Nita Chowdhury)
Member (A)

/ravi/