

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

M.A. No.2241 of 2019
In
Review Application
In
MA No.4551-4552 of 2018
in
O.A. NO.2855 of 2012

This the 6th day of September 2019

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

1. Delhi Transport Corporation,
I.P. Depot, New Delhi.
(Through Chairman-cum-Managing Director)
.....Review Applicant
(By Advocate : Ms. Arati Mahajan Shedha)

VERSUS

1. Mukesh Chander,
S/o Late Sh. Bhola Nath Kathuria,
R/o 681, Sector-46, Faridabad, Haryana.
2. Suresh Kumar Kathuria,
S/o Late Sh. Bhola Nath Kathuria,
GF-10, Lake View Apartments,
Sector-9, Rohini, New Delhi.
3. Bhupinder Kathuria,
S/o Late Sh. Bhola Nath Kathuria,
A-402, Lake View Apartments,
Paschim Vihar, New Delhi.
4. Krishna Bhalla, (Daughter),
W/o Sh. Jaswant Bhalla,
R/o Narnaul, Haryana.
5. Shakuntla, (Daughter),
W/o ate Sh. Niyamat Rai Kalra,
R/o 303, Sector-28, Faridabad,
Haryana.
6. Kiran Makkar, (Daughter),
W/o Sh Ish Makkar,
R/o 257, Vill. Tihar,
New Delhi.
.....Review Respondents
(By Adv. : Shri Mukesh Chander, original applicant in person)

O R D E R (Oral)**MA 2241/2019**

Heard both the parties on MA 2241/2019 seeking condonation of Delay in filing RA in MA 4551-4552/2018 in OA 2855/2012.

2. This MA has been filed by the review applicant seeking condonation of delay in filing the Review Application, vide which the review applicant is seeking to review the Order passed on 17.12.2018 in MA 4551-4552/2018 in OA 2855/2012, and sought condonation of delay of 115 days in filing the Review Application. The instant MA as well as RA was filed on 28.5.2019.

3. 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 applicant pleaded that certified copy of the said Order dated 17.12.2018 was received in the office of the review applicant (original respondents) only on 3.1.2019 and on receipt of the same, immediately the DTC depanelled the lawyer, who had been entrusted to contest the MAs 4551-4552/2018, as he had neither appeared nor filed any reply to the said MAs and after depanelment of the said counsel, the review applicant decided to file Review Application in MA 4551-4552/2018 and this

matter was entrusted to her. She asked about the details of IA filed before the Hon'ble Supreme Court as the Legal Financial Committee of the DTC after the order passed by the Hon'ble Supreme Court decided to file an IA for clarification/direction before the Supreme Court and panel counsel in the Hon'ble Supreme Court was instructed to file the same. Counsel further submitted that the said IA was registered as 43641/2019 and the same is still pending before the Apex Court. She, therefore, submitted that until and unless the same is decided, the Order cannot be interpreted to mean that the interest is payable from 1.3.1983 till date, nor can DTC be directed to pay interest on arrears of pension from the said date as sought by the applicant in MA 4551-4552/2018.

3.1 Counsel for review applicant further submitted that only after receiving the aforesaid information, she drafted the Review Application along with the present MA for vetting and the same was received back only on 27.5.2019 and immediately the present MA as well as RA were filed on 28.5.2019. Counsel prayed that although the RA ought to have been filed by 2.2.2019 but due to inadvertent administrative delay and in the peculiar facts and circumstances as explained above, the MA and RA were filed on 28.5.2019 and as such the delay was neither wanton nor deliberate on the part of the review applicant but has been

caused due to aforesaid reasons and, therefore, the same may kindly be condoned in the interest of justice.

4. On the other hand, Mr. Kumar Chander, original applicant in person (one of the review respondents in the MA) stated that the present MA is apparently barred by limitation and the same is liable to be dismissed by this Tribunal.

5. After hearing both the parties, this Court is of the considered view that the aforenoted explanations, as given by the review applicant, are sufficient to condone the delay in filing the Review Application, as the expression 'sufficient cause' should be considered with pragmatism rather than be seen technically as detection of sufficient cause for explaining every day's delay. On examination of the entire facts, this Tribunal is of the considered view that in the facts and circumstances of the present case, the delay caused in filing the present R.A. deserves to be condoned. According, the present MA 2241/2019 is allowed.

Review Application

Registry is directed to allocate number to the Review Application and thereafter list it before the appropriate Bench for hearing on 19.9.2019.

(Nita Chowdhury)
Member (A)

/ravi/