

Reasoned
CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Review Application No.203/00015/2017

(in OA 203/00936/2014)

Bilaspur, this Thursday, the 18th day of July, 2019

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

Umesh Rao, S/o Shri Tanajee Rao, aged about 39 years, R/o Nayapara Near Santoshi Mandir, Sirgitti, Bilaspur, Chhattisgarh 495001
-Applicant

(By Advocate - Shri Ajay Kumar Barik)

V e r s u s

1. South East Central Railway through the General Manager, SECR, Bilaspur, District Bilaspur C.G. 495004.
2. Chief Personnel Officer, South East Central Railway, Personnel Department, Bilaspur, District Bilaspur C.G. 495004.
3. Senior Divisional Personnel Officer, South East Central Railway, Bilaspur Division, Bilaspur District Bilaspur C.G. 495004.
- Respondents

(By Advocate - Shri Vivek Verma)

O R D E R

By Navin Tandon, AM:-

This application has been filed by the applicant seeking review of the order dated 22.08.2017 passed in Original Application No.203/00936/2014.

2. The applicant has also filed MA No.203/00984/2017 for condonation of delay in filing this Review Application.

3. In their reply, the respondents have taken the stand that the Review Application is not maintainable as per Rule 17 of the CAT (Procedure) Rules, 1987, as the same has not been filed within thirty days from the date of receipt of copy of the order dated 22.08.2017.

4. Admittedly, the applicant has filed this RA on 27.12.2017, i.e. after expiry of the period as provided in Rule 17 of the CAT (Procedure) Rules, 1987. However, as per submissions made in the application for condonation of delay, we find that the sufficient reasons have been given by the applicant specifically in Para 4 and 5 of the application. Accordingly, this M.A. is allowed. Delay in filing the Review Application is condoned.

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5. The applicant, in Para 2.6 of the Review Application, has stated that this Tribunal, while passing the order dated 22.08.2017, has dismissed the Original Application on the

ground that father of the applicant took voluntary retirement as per rules on 22.08.2005, thereafter he died, whereas the applicant's father is still alive. He has filed copy of the life certificate (Annexure R-20) issued by the State Bank of India, Bilaspur.

6. It is an admitted fact that this Tribunal has dismissed the Original Application No.203/00936/2014 vide order dated 22.08.2017 with the following reasons:-

“3. The facts are that the applicant's father took voluntary retirement as per rules on 22.08.2005, thereafter he died. Hence the legal heirs of an employee who died after his retirement either on attaining the age of superannuation or on voluntary retirement is not entitled for compassionate appointment.

4. Hence action of the respondents is valid and legal. Accordingly the Original Application is dismissed. No costs.”

7. The applicant has filed a life certificate (Annexure R-20), which establishes the fact that his father was not dead when the orders dated 22.08.2017 were passed and he is still alive. Thus, it appears that an error has crept in Para 3

of our order dated 22.08.2017 while recording that father of the applicant has died after taking voluntary retirement.

8. Accordingly, the Review Application is allowed by recalling the order dated 22.08.2017.

9. List Original Application No.203/00936/2014 for hearing on 19.09.2019 during the next Circuit Court Sitting at Bilaspur.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-