

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00018/2019
in
Original Application No. 180/00667/2016

Wednesday, this the 31st day of July, 2019

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

1. Union of India, represented by the General Manager, Southern Railway, Head Quarters Office, Park Town PO, Chennai – 600 003.	Review Applicants
2. Divisional Railway Manager, Southern Railway, Trivandrum Division, Trivandrum – 695 014.	
3. Sr. Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum-695 014.	

(By Advocate : Mr. Sunil Jacob Jose)

V e r s u s

V.P. Mohanakumaran, S/o. C.K. Sekhara Warrier, Retired Server, Southern Railway, Trivandrum Division, residing at Annakara Variem, Venganalloor PO, Chelakkara, Thrissur District – 680 586.	Respondent
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(By Advocate : Mr. T.C. Govindaswamy)

This Review Application having been heard on 31.07.2019 the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. Ashish Kalia, Judicial Member –

The respondents in the OA have filed this review application stating therein that a new fact has come to their knowledge which is produced as Annexure RA2 in which it is disclosed that applicant was traveling out of

country during the period from 18.12.2012 to 29.8.2015 and hence they are seeking review of the order dated 28.1.2019 passed by this Tribunal on the pretext that applicant was mentally unsound and was granted appropriate relief.

2. The learned counsel for the review applicants pointed out that as per the rules of review under the Code of Civil Procedure when a new fact comes to the knowledge which was not earlier within the knowledge of the concerned parties then the review application can be filed and is maintainable. I am convinced with the arguments submitted by the review applicants.

3. Learned counsel for the respondent in the review application/applicant in the OA filed an objection stating that the review application is not maintainable on the ground of delay.

4. Heard the learned counsel for the parties and perused the record.

5. In view of the Hon'ble apex court judgment in ***Collector, Land Acquisition, Anantnag v. Mst. Katiji & Ors.*** – AIR 1987 SC 1353, wherein the Hon'ble Supreme Court has laid down that in appropriate cases where there is merit the application for condoning the delay can be allowed. Accordingly, MA No. 180/379/2019 for condoning the delay of 29 days in filing the RA No. 180/18/2019 is allowed and the delay is condoned.

6. On merits the Review Application is also maintainable under Order XLVII Rule 1(1)(c) when a new fact came to the knowledge which was not earlier there within the knowledge of the parties concerned.

7. Accordingly, the Review Application is allowed and the order dated 28th January, 2019 passed in OA No. 180/667/2016 is recalled.

8. List the OA on 21.8.2019.

**(ASHISH KALIA)
JUDICIAL MEMBER**

“SA”

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REVIEW APPLICANTS' ANNEXURES

Annexure RA1 - True copy of the order in OA No. 180/667/2016 dated 28th January, 2019.

Annexure RA2 - True copy of the letter No. 47/IMM/AD/BOI(CAP)2019 – 1318 dated 11.3.2019 of the Assistant Director, Bureau of Immigration, Cochin International Airport, Nedumbasseri.

RESPONDENT'S ANNEXURES

Nil

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