

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00032/2019 in
Original Application No. 180/00066/2018

Tuesday, this the 16th day of July, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. Employees State Insurance Corporation
Panchadweep Bhavan, CIG Road
New Delhi-02 represented by its Director General.
2. The Medical Superintendent, ESIC Hospital
Parippally, Kollam District-691 574.
3. The Medical Superintendent, ESIC Model and
Super Specialty Hospital, Asramam,
Kollam District-691 502.
4. Deputy Director (Admn)
ESIC Model and Super Specialty Hospital
Asramam, Kollam District-691 502. **Review Applicants**

(By Advocate : Mr. Adarsh Kumar)

V e r s u s

1. Rejani R, aged 37 years
W/o Pradeep Kumar
OT Technician, ESIC,
Model and Super Specialty Hospital
Asramam, Kollam.
Residing at Pavithram, Malakkal P.O.,
Madavoor, Pallikkal, Trivandrum District-695 602.
2. Remya R, aged 31 years
W/o Abhilash S.
OT Technician, ESIC
Model and Super Specialty Hospital
Asramam, Kollam.
Residing at Lekshmi Bhavan, Kuzhiyam
Chemmakkadu P.O.
Kollam-691 603.

3. Suresh Kumar P, aged 35 years
 S/o V.Parameswaran Nair,
 ESIC Hospital, Udyogamandal P.O.
 Pathalam, Kalamassery, Ernakulam District-683 501
 Residing at Madathil House, Neeleeswaram P.O.
 Kalady (via), Ernakulam District-683 574.

4. Ambili I, aged 32 years
 W/o Pradeep Kumar N.
 OT Technician, ESIC Hospital,
 Asramam, Kollam.
 Residing at Vadakkadathu Thekkathil
 Chittayam, Inchavila P.O.
 Perinad, Kollam.

5. Ramesh R, aged 33 years
 S/o Raju P.V,
 OT Technician, ESIC Hospital
 Udyogamandal, Pathalam, Aluva.
 Residing at Punnamkulangara House
 Pangarappilly P.O., Chelakkara
 Thrissur District

6. Maya K, aged 36 years
 W/o Gireesh Kumar
 ESIC Hospital, Ezhukone.
 Resding at Payattuvila Melathil, Kundra
 Pallimukku. **Respondents**

(By Advocate : Mr. V. Sajithkumar)

O R D E R (Oral)

Per: E.K. Bharat Bhushan, Administrative Member -

This review application had been filed by the respondents in OA No. 180/66/2018 along with MA No. 180/635/2019 seeking condonation of delay of more than 400 days. There is no provision in the Administrative Tribunals Act, 1985 to condone the delay beyond the period of thirty days in filing the Review Application. Moreover, it is well settled position by the Apex Court decision in *K. Ajit Babu & Ors. v. Union of India & Ors.* - (1997) 6 SCC 473 that the delay in filing review application cannot be

condoned. The Apex Court in that case observed:

“.....The right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on limited grounds, mentioned in Order 47 of these Code of Civil Procedure. Although strictly speaking the Order 47 of the Code of Civil Procedure may not be applicable to the tribunals but the principles contained therein surely have to be extended. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision. Besides that, the right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of party feeling adversely affected by the said decision. A party in whose favour a decision has been given can not monitor the case for all times to come. Public policy demands that there should be no law suits and if the view of the tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the aggrieved persons on restricted ground mentioned in Order 47 of the code of Civil Procedure is filed within the period of limitation.”

2. Therefore, the review application is not maintainable on account of delay occurred in filing the same. Accordingly, the MA No. 180/635/2019 for condonation of delay is dismissed. Consequently, RA No. 180/32/2019 is also dismissed. No order as to costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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REVIEW APPLICANT'S ANNEXURES

Annexure RA1 – True copy of the order dated 13.4.2018 in original application No. 66/18.

Annexure RA2 – True copy of the order dated 4.7.2016 passed by the Hon'ble Supreme Court in SLP No. 10471-10472/2016.

Annexure RA3 – True copy of the draft seniority list vide memorandum No. 542/A/24/13/15(Adm) dated 19.12.2016.

Annexure RA4 – True copy of the said final seniority list vide memorandum No. 542/A/24/13/12(Adm) dated 9.2.2017.

Annexure RA5 – True copy of job cards for the posts of OT Assistants and OT Technicians.

RESPONDENTS' ANNEXURES

Nil

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