

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCHNo. R.A. 38 of 2013
M.A. 350/00215/2014
(O.A. 451 of 2012)

Date of order : 28.4.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

UNION OF INDIA & ORS. (Customs)

Vs.

MANOJ KR. DAS & ORS.

For the Applicant : Mr. K.K. Maity, Counsel
For the Respondents : Mr. C. Sinha, CounselORDER (Oral)Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the parties.

2. This is an application for Review with an application for condonation of delay in preferring the same. There is a delay of seventy days as stated by Ld. Counsel for the applicant.

3. The Ld. Counsel for the respondents pointed out that in view of provisions contained in Rule 17 of the CAT Procedure Rules there was a specific period to file the review and there is no provision to condone the delay in the rule of procedure. He relied upon a judgment of Full Bench of Andhra Pradesh High Court decided in 2005 (4) SLR 720 G. Narasimha Rao v. Regional Joint Director of School Education, Warangal & others. Wherein it has been held that in absence of any provision of condonation of delay in the CAT Procedure rules the application for condonation of delay cannot be entertained. The relevant paragraphs are quoted as under:-

"13. Rule 19 is couched in negative form and disables the person from seeking review under Section 22(e)(f) of the Act, in case review is not filed within 30 days of the order. However, in the Act nowhere it is stated the method or manner or time limit to file such review except Rule 19. In view of

the same, the power of Tribunal to condone the delay under Section 19 of the Act is applicable only to the applications filed under Section 19, but the same cannot be made applicable to the review sought under Section 22(3)(f). Sub-section (1) of Section 22 puts an embargo on exercise of such power by the Tribunal shall be guided by the principles of natural justice and of any rules made by the Central Government. In the absence of any provisions prescribed for condoning the delay either in the Act or in the Rules, the Tribunal will not have jurisdiction to condone the delay in taking aid and assistance of Section 5 of the Limitation Act on the premise that Limitation Act is made applicable in view of sub-section (2) of Section 29 of the Limitation Act.

14. In the view we have taken, we answer the reference holding that the Administrative Tribunals Act and the Rules made thereunder are impliedly infer that the Tribunal will not have jurisdiction to condone the delay by taking aid and assistance of either sub-section (3) of Section 21 of the Act or Section 29(2) of the Limitation Act."

4. Hence in view of the above, the application for condonation of delay is dismissed consequently the R.A. is also dismissed as being barred by time.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

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