

.1.

**'CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Review Application No.180/00039/2019  
in Original Application No.00892/2016**

**Wednesday, this the 20<sup>th</sup> day of November, 2019**

**CORAM:**

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

1. Employees State Insurance Corporation,  
represented by its Director General,  
Panchadeep Bhavan, Comrade Indrajeet Gupta,  
(CIG) Marg, New Delhi – 110 002.
2. The Joint Director (Med),  
Employees State Insurance Corporation,  
represented by its Director General,  
Panchadeep Bhavan, Comrade Indrajeet Gupta,  
(CIG) Marg, New Delhi – 110 002.
3. The Deputy Director (Med Admin) Employees  
State Insurance Corporation,  
represented by its Director General,  
Panchadeep Bhavan, Comrade Indrajeet Gupta,  
(CIG) Marg, New Delhi – 110 002.
4. The Medical Superintendent,  
Employees State Insurance Corporation Model Hospital,  
Asramam, Kollam – 691 002.
5. The Deputy Director (Admin) Employees State Insurance,  
Corporation Model Hospital, Asramam,  
Kollam – 691 002.
6. The Deputy Director (Finance),  
Employees State Insurance Corporation  
Model Hospital,  
Asramam, Kollam-691 002. ....Review Applicants  
....Respondents in OA

**(By Advocate Mr.Adarshkumar for Review Applicants)**

**V e r s u s**

Dr.Naina P.S.,  
D/o P.Sathishan,  
Aged 55 years,  
Chief Medical Officer,  
ESIC Model Hospital,  
Asramam, Kollam-691 002.  
Residing at A81, TC9/2628,  
Elankom Garden, Vellayambalam,  
Thiruvananthapuram – 695 010.

...Review Respondent  
....Applicant in OA

**O R D E R**  
**(BY CIRCULATION)**

The Review Application has been filed by the respondents in the O.A seeking a review of the order in the O.A passed by this Tribunal on 21.03.2018.

The Review Application is filed on 6<sup>th</sup> November, 2019.

2. The review applicants have along with this R.A filed two Miscellaneous applications, MA No.1071/2019 for condoning the delay of 192 days in filing the R.A and MA No.1076/2019 for condoning the delay of 355 days in re-presenting the Review Application.

3. The provision under Rule 17(1) of CAT (Procedure) Rules states that a review application is to be filed within thirty days from the date of receipt of copy of the order sought to be reviewed. In this case there has been an inordinate delay of 547 days in filing the R.A, reasons for which have not been adequately explained. Apart from the absence of the enabling provision in the Rules, we may usefully refer to the judgment of the Hon'ble Supreme Court in the case of ***Chennai Metropolitan Water Supply and Sewage Board***

.3.

***Vs. T.T.Murali Babu (2014) 4 SCC 108***, wherein it is held as under :

“the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant, a litigant who has forgotten the basic norms, namely, procrastination is the greatest thief of time and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

It was further held therein:

.....A court is not expected to give indulgence to such indolent persons – who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

4. we are of the view that this Tribunal has no jurisdiction to condone the delay in filing the Review Application. Hence, the MA Nos.1071/2019 and 1076/2019 are dismissed. Consequent to the dismissal of the MAs the Review Application is also dismissed. No costs.

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

**sd**

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**List of Annexures in R.A.No.180/00039/2019 in O.A.No.892/2016**

1. **Annexure RA-1** – Copy of the order in OA No.892/2016 dated 21.03.2018.

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