

**'CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Review Application No.180/00037/2019
in Original Application No.00913/2016**

Friday, this the 1st day of November, 2019

CORAM:

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

1. Union of India represented by Secretary to
Ministry of Information and Broadcasting,
New Delhi – 110 001.
2. The Prasar Bharati (Broadcasting Corporation of India),
New Delhi – 110 001,
Represented by Chief Executive Officer,
3. The Director General,
Prasar Bharati (Broadcasting Corporation of India),
New Delhi -110 001.
4. The Director,
Doordarshan Kendra,
Kudappanakunnu P.O.,
Thiruvananthapuram – 695 043.

...Review Applicants
....Respondents in OA

(By Advocate Mr.N.Anilkumar, SCGSC for Review Applicants)

V e r s u s

Shri Giriraj,
Aged 50 years,
S/o Raja Govindaraj K.,
Camera Man Grade II,
Doordarshan Kendra,
Kudappanakunnu PO,
Thiruvananthapuram,
residing at No.106, 'Krishnasree',
First Line, Darsan Nagar,
Kudappanakunnu,
Thiruvananthapuram – 695 043.

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

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHANADMINISTRATIVE MEMBER

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 24.11.2017. The Review Application is filed on 6th September, 2019.

2. The review applicants have along with this R.A filed an M.A No.870/2019 for condoning the delay of 626 days in filing the R.A.

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 626 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 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

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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. Therefore, we are of the view that this Tribunal has no jurisdiction to condone the delay in filing the Review Application. Hence, the MA No.870/2019 is dismissed. Consequent to the dismissal of the MA the Review Application is also dismissed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in R.A.No.180/00037/2019 in O.A.No.913/2016

1. **Annexure RA-1** – Copy of the order dated 24.11.2017 in OA No.913/2016.
 2. **Annexure RA-2** - Copy of the Order in O.P. (CAT) No.85/2018 dated 25.05.2018.
 3. **Annexure RA-3** - Copy of the Order in Kamlesh Verma v. Mayawati & Others reported in 2013 (8) SCC 320.
 4. **Annexure MR1** – Copy of order dated 13.02.2019 in MA No.111/2019 in RA No.3/2019 in OA No. 577/2014, of this Hon'ble Tribunal.
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