

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD**

**MA No.21/564/2019
in
RASR No.1380/2019
in
OA 21/62/2019**

**Reserved on: 29.10.2019
Pronounced on: 31.10. 2019**

Between:

1. Union of India, Represented by
The Secretary, Ministry of Defence,
New Delhi.
2. Ordnance Factory Board,
Rep. by its Chairman and Director General,
Ordnance Factory, 10 A,
S.K. Bose Road, Kolkata – 700 001.
3. Ordnance Factory,
Rep. by its Senior General Manager,
Yeddumailaram, Sanga Reddy District.

...Applicants

AND

1. Dubbaka Srinivasa Chary,
S/o. D. Govinda Chary, Group C,
Aged about 56 years, Occ: Ward Master,
Ordnance Factory, Yeddumailaram, Sanga Reddy District,
R/o. Qrt. No. 3782, Ordnance Factory,
Yeddumailaram, Sanga Reddy District,
Telangana State.
2. Roop Singh, S/o. Kheerya Naik,
Aged about 58 years, Occ: Operation Room Assistant (ORA),
Ordnance Factory, Yeddumailaram, Sanga Reddy District,
R/o. Flat No. 41, Krushi Defence colony,
Patancheru, Sanga Reddy District, Telangana State.
3. Ch. Rama Swamy, S/o. Ch. Venkatnarsaiah,
Aged about 58 years, Occ: Operation Room Assistant (ORA),
Ordnance Factory, Yeddumailaram, Sanga Reddy District,
R/o. Qrt. No. 22705, Ordnance Factory Estate,
Yeddumailaram, Sanga Reddy District,
Telangana State.

...Respondents

Counsel for the Applicants ... Mrs.K. Rajitha, Sr. CGSC
Counsel for the Respondents ... Mr. K. Siva Reddy

CORAM:

Hon'ble Mr. A.K. Patnaik, Member (Judl.)

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER

{As per Mr. B.V. Sudhakar, Member (Admn.)}

2. MA 564/2019 in RASR No. 1380/2019 in OA No. 62/2019 is filed by the respondents in OA seeking condonation of delay of 138 days in filing the RA to review the Order in OA 62/2019 dated 22.01.2019.

3. The ground stated by the respondents for the delay is that the case is pending with the Department of Personnel and Training (DOPT) and that it is administratively not feasible to consider upgradation of the pay scales sought for without the approval of the DOPT. As the OA was disposed of at the admission stage itself, there was no scope to submit pleadings by the respondents in the OA. Consequently, a decision was taken to file a Review Application before the Tribunal for review of the judgment. Thus, the main ground taken is that due to administrative reasons, RA could not be filed within the stipulated time.

4. Heard counsel for both sides.

5. In regard to filing RA, Rule 17 of the CAT (Procedure) Rules, 1987, extracted hereunder, stipulates the condition of filing RA within 30 days of receipt of the order.

Rule 17 of the CAT (Procedure) Rules, 1987 reads as under:

17. Application for review.- (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed. ..”

Respondents have filed the RA with a delay of 138 days and are therefore, seeking condonation of delay.

6. A similar issue fell for consideration before the Hon'ble Principal Bench of this Tribunal in RA 216/2014 with MA 3594/2014 in OA No. 3922/2013 and the same was decided vide order dated 27.11.2014, wherein it was held as under:

“4.2 The matter of condonation of delay in filing of review application also came up for consideration before the Full Bench of the Hon'ble Andhra Pradesh High Court in G. Narasimha Rao vs. Regional Director of School Education & Others, 2005(4) SLR 720, wherein it was held that the Tribunal has no power to condone the delay in filing of review application.”

This judgment is binding as per the observation of the Hon'ble Supreme Court in *S.I. Roop Lal v. Lt. Governor through Chief Secretary, Delhi, (2000) 1 SCC 644*.

7. In view of the time permitted under Rule 17 of CAT (Procedure) Rules, 1987 being only 30 days and also in view of the judgment cited, there is no scope to condone the delay of as much as 138 days. Hence, according to the Rules and the law stated, MA needs to be dismissed and hence, dismissed. Consequently, RASR is also rejected. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(A.K. PATNAIK)
MEMBER (JUDL.)

Dated: the 31st October, 2019

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