

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

**MA No.20/443/2019
In
MA SR.No.2080/2018
in
RASR No.2081/2018
in
OA 20/687/2016**

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

Between:

1. Union Public Service Commission,
Through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi.
2. The Under Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.

...Applicants

AND

1. Salem Kalpana Kumari, D/o. S. Devaraj,
Aged about 34 years, Occ: Unemployee,
R/o. H. No. 16-4-29/3/45, Tulasinagar,
APHB Colony, Narsapuram,
West Godavari district.
2. The Directorate General of Health Services,
Central Drugs Standard Control Organization,
M/o. Health & Family Welfare, GOI,
FDA Bhavan, ITO, Kotla Road, New Delhi.

..Respondent/ Original Applicant

...Respondent/ Respondent

Counsel for the Applicants ... Mr.P. Narasimha

Counsel for the Respondents ... Mr. G. Jaya Prakash Babu

Mr. P. Krishna

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. Initially, MA SR. No. 2080/2018 in RASR No. 2081/2018 in OA No. 687/2016 was filed by the respondents in OA seeking condonation of delay of 26 days in filing the RA to review the Order in OA 687/2016 dated 16.08.2018. The said MASR was returned by the Registry with certain objections and the same were not complied with within time prescribed and there was a delay of 139 days. To condone the said delay of 139 days in representation, MA 443 of 2019 is filed.

3. The ground stated by the respondents for the delay in representation is that the case bundle was mixed with some other bundles and hence, there was delay of 139 days in resubmission. In the main MASR for condonation of delay in filing RA, the review applicants stated that after receipt of the Order in OA, a detailed note was submitted for approval of the Commission for filing Review Application along with draft Review Petition and after approval by the Commission, the review petition was filed on 29.10.2018. In the process, there was a delay of 26 days in filing Review Application.

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 26 days and are therefore, seeking condonation of delay. Further, there is a delay of 139 days in resubmission of the MASR 2080/2018.

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 in filing Review Application and the delay in submission of the MASR 2080/2018. Hence, according to the Rules and the law stated, MA 443/2019 needs to be dismissed and hence, dismissed. Consequently, MASR 2080/2018 and RASR 2081/2018 are also rejected. No order as to costs.

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

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