

(2010) 11 AHC CK 0171
In the Allahabad High Court
Case No : Review Petition No. 344 of 2006

Hari Krishna Shankar Sharma

APPELLANT

Vs

Central Administrative Tribunal and Others

RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Citation : (2010) 11 AHC CK 0171

Hon'ble Judges : Ritu Raj Awasthi, J;Pradeep Kant, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Sri S.K. Sharma, junior colleague of Sri M.M. Sharma, learned Counsel for the applicant as well as the counsel appearing for the Respondents and perused the records.
2. This review petition has been filed by the applicant, seeking review of an order passed by the Division Bench of this Court (Sushil Harkauli and G.P. Srivastava, JJ.) dated 6.11.2006.
3. The facts which are relevant for the purpose that an original application was filed by the applicant, challenging the order of termination dated 12.4.1996 on 17.11.1997, before the Central Administrative Tribunal. The Tribunal rejected the original application on the ground of limitation, as it was filed after more than one year (i.e. the period prescribed for filing original application). Since the original application was not accompanied with the application for condonation of delay, therefore, on the law propounded by the Apex Court in the case of Ramesh Chand Sharma etc. v. Udham Singh Kamal and Ors. 2000 (1)ATJ 178, the Tribunal found that in the absence of the written application, the delay can not be condoned.
4. Aggrieved by the judgment and order passed by the Tribunal, the present petition was filed, which was dismissed by the Division Bench after taking note of the arguments placed by the applicant's counsel.

5. Another very curious fact has come to our knowledge namely; the contents of the review petition, wherein the grounds taken or against the order passed by the Central Administrative Tribunal, not even a single ground has been taken to point out any defect much less any error apparent on the face of record in the order passed by the High Court of which the review is being sought.

6. In the absence of any ground being taken for reviewing the order passed by this Court, merely because the applicant-Petitioner finds that the Tribunal has committed some error in dismissing the original application, review of the order passed by the Division Bench, affirming the order of the Tribunal, can not be allowed.

7. Apart from this, the Division Bench has considered the question of limitation and has taken a view of dismissing the writ petition, as such no ground for reviewing the aforesaid order can be said to be made out.

8. The review petition is rejected.

9. At this juncture, counsel for the review applicant submitted that he may be allowed to file a fresh original application alongwith the application for condonation of delay, this Court cannot grant any such permission, but if any fresh original application can be filed in law, the present order would not come in his way.