

(2023) 03 CAT CK 0011

In the Central Administrative Tribunal

Case No : Review Application No. 330, 00007 Of 2023 In Original Application No. 624 Of 2019

Jai Prakash Singh

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 02-03-2023

Acts Referred:

Administrative Tribunals Act, 1985 — Section 21(3), 22(3)(f)
Limitation Act, 1963 — Section 29(2)
Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 17(1), 17(3)
A.P. Administrative Tribunal (Procedure) Rules, 1989 — Rule 19

Citation : (2023) 03 CAT CK 0011

Hon'ble Judges : Mohan Pyare, Member (Administrative)

Bench : Single Bench

Advocate : Anil Kumar Singh, Anil Kumar

Final Decision : Dismissed

Judgement

Mohan Pyare, Member (Administrative)

1. The present Review Application No.07 of 2023 has been placed before me under circulation in terms of Rule 17(3) of the Central Administrative Tribunal (Procedure) Rules 1987. The applicant seeks condonation of delay in filing the review application against the order dated 16.12.2022 passed in OA No.624 of 2019, in which the OA was dismissed. Civil Misc. Delay Condonation Application No.530 of 2023 was filed alongwith Review Application No.07 of 2023 on 14.02.2023.

2. This Review Application has been filed with delay. Delay Condonation Application has also been filed. The matter of condonation of delay of review application came up before the Full Bench of Hon'ble Andhra Pradesh High Court in the case of G.Narasimha Rao Vs. Regional Joint Director of School Education, Warangal and others -2005(4) SLR 720. The matter was also examined by the Full Bench with reference to Section 22(3)(f) of the AT Act, 1985 and other

relevant provisions of the CAT (Procedure) Rules, provisions of the Limitation Act etc. and it is held that "a Tribunal has no jurisdiction to condone the delay in filing the Review Application." It was laid down that the Tribunal will not have jurisdiction to condone the delay by taking aid and assistance of either sub section (3) of Section 21 of the Act or Section 29(2) of the Limitation Act. It may be mentioned here that provisions of Rule 19 of A.P. Administrative Tribunal (Procedure) Rules, 1989 which are similar to above Rule 17(1) of CAT (Procedure) Rules, 1987 were also considered which are as under:-

" No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed."

3. In the circumstances stated above, the Delay Condonation Application to file review application in the above OA is dismissed and so Review Application is also dismissed without going into the merits of the Review Application.