

(2019) 09 CAT CK 0021

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 2822 Of 2019 In Original Application
No. 3597 Of 2016

Surinderpal Tanwar

APPELLANT

Vs

South Delhi Municipal Corporation And Anr

RESPONDENT

Date of Decision : 02-09-2019

Acts Referred:

Administrative Tribunals Act, 1985 — Section 22(3)(f)

Citation : (2019) 09 CAT CK 0021

Hon'ble Judges : Nita Chowdhury, Member (A), S.N. Terdal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S.N. Terdal, J

MA 2822/2019

1. This MA has been filed by the review applicant seeking condonation of delay in filing the Review Application, vide which the review applicant is seeking to review the order passed on 23.01.2019 in OA 3597/2016 and sought condonation of delay of 177 days in filing the Review Application. The instant MA as well as RA was filed on 19.08.2019.

2. As per the provisions of Section 22(3)(f) of the Administrative Tribunals Act, 1985, the review application has to be filed within 30 days from the date of receipt of a copy of the order sought to be reviewed. The review applicant has pleaded in the instant MA that he had received copy of the judgment in last week of February, 2019 and thereafter he requested the advocate to file RA and accordingly, the RA was drafted and filed and as such the delay is neither intentional nor deliberate on the part of review applicant but has been caused due to aforesaid reasons and, therefore, the same may kindly be condoned in the interest of justice.

3. However, we found that the Order under Review was of 23.01.2019 and the

Review Application along with this MA has been filed on 19.08.2019 and as such there is certainly a delay of 177 days in filing the Review Application. The Hon'ble Supreme Court in the case of D.C.S. Negi vs. Union of India and others, in SLP (C) No.7956/2011 decided on 07.03.2011, has categorically held that the Administrative Tribunal is duty bound to first consider whether the application is within limitation, and further that the application can be admitted only if it is found to be within limitation or for any justified reason for extending the period of limitation. However, the explanations given in the MA for condonation of delay, as noted above, are not found to be satisfactory to enable this Tribunal to condone the same.

4. In the result, and for the foregoing reasons, this Tribunal does not find any sufficient reasons to condone the delay in filing the present Review Application and accordingly, the present MA is dismissed in circulation.