
(2019) 10 CAT CK 0013

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 3258 Of 2019, Original Application No. 3407 Of 2016

Union Of India And Ors

APPELLANT

Vs

Gurdeep Singh

RESPONDENT

Date of Decision : 07-10-2019

Acts Referred:

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

Citation : (2019) 10 CAT CK 0013

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

Bench : Division Bench

Advocate : Kripa Shanker Prasad

Final Decision : Dismissed

Judgement

Nita Chowdhury, Member (A)

1. This MA has been filed by the review applicants seeking condonation of delay in filing the Review Application, vide which the review applicants are seeking to review the Order passed on 2.1.2019 passed in OA 3407/2016, and sought condonation of delay in filing the Review Application. The instant MA as well as RA was filed on 4.9.2019.

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 applicants have pleaded in the instant MA that after getting the certified copy of the aforesaid Order, the same was examined by the officials of the Railway Administration and thereafter it was decided to file the review applicant. Thus, the review applicant could not be filed within the limitation period and the delay in filing the same is neither intentional nor deliberate but for the reasons stated above and, therefore, the same may kindly be condoned in the interest of justice.

3. However, this Tribunal found that the Order under Review was of 2.1.2019 and

the Review Application along with this MA has been filed on 4.9.2019 and as such there is certainly a delay of about seven months 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 Court to condone the same, the applicants had not taken appropriate steps in time to move the Review Application within the permissible time period.

4. In the result, and for the foregoing reasons, this Court 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.