

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.
CIVIL APPLICATION NO. 306/2016 IN
REVIEW APPLICATION ST. NO. 1199/2016 IN
ORIGINAL APPLICATION NO. 306/2005

Original Applicant :-

- (1) State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai - 32.
- (2) Chief Auditor, Local Fund Audit,
M.S., Kokan Bhawan, 6th Floor,
New Mumbai.
- (3) The Dy. Chief Auditor (Senior),
Local Fund Audit, Bhandara.

-Versus -

Respondent:-

Bharatbhushan Narayanrao Dashasahastra,
Plot No. 8, Shiv Nagari, Bhandara, Dist. Bhandara.

Shri A.M.Ghogre, P.O. for the applicant's (Original Respondent's)
None for the respondent (Original Applicant)

Coram : - Shri B. Majumdar, (Vice Chairman) &
Shri S.S.Hingne, Member(J)

Dated :- 07th July 2016

S/S


PER : MEMBER (J).


1. The Original respondents in O.A. 306/2005 have filed this C.A. to condone the delay as they filed the Review Petition (Stamp) No. 1199/2016.
2. Heard, Shri A.M.Ghogre, the Id. P.O. for the applicant's (Original Respondent's). None for the respondent (Original Applicant).
3. The O.A. No. 306/2005 is decided on 09/04/2015. The present C.A. is filed on 22/06/2016 along with Review Petition. Thus the application is moved after a gap of one year. The Id. counsel for the present respondents (For Original Applicant) has placed reliance on the Judgement rendered by this Tribunal in C.A. No. 400/2015 and 71/2016 in Rev. Appl. St. No. 1755/2015 in O.A. No.542/2014 decided on 10/06/2016. In the said case, this Tribunal considered all the aspects and legal provisions and citations and held that the Review Application not been filed within thirty days as per rule 18 of "*The Maharashtra Administrative Tribunal (Procedure) Rules, 1988*", is not tenable. This Tribunal held and considered the

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two contradictory views rendered by equal benches of different Hon'ble High Court's which are reported as "G. Narasimha Rao Vs. Regional Joint Director of School Education, Warangal & Ors., SLR 2005 (4), 720" and "Union of India & Ors. Vs. Central Administrative Tribunal & Ano, 2003 (LAB) I.C., 174". The Tribunal held that G. Narasimha Rao case being the latest one is to be followed and ruled that the review application filed after thirty days is not tenable. The legal provisions of Rule 21 of "The Maharashtra Administrative Tribunal (Procedure) Rules, 1988" so also the section 5 to section 92 of The indian Limitation act are also considered. Considering all the aspects from all the angles, the C.A. is rejected holding that the Review Application is not tenable. There is no reason to differ from that view. Consequently following order is passed.

4. The C.A. 306/2015 in Review Application St. 1199/2016 in O.A.No.306/2005 is rejected with no order as to costs.

sd/- 
(S.S.Hingne)
Member (J)

sd/- 
(B.Majumdar)
Vice Chairman