

**By Circulation
Court No. 1**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No 2429 of 2016

with

Review Application No. 106 of 2016

(Inre: O.A. No. 171 of 2013)

Tuesday, the 22th day of November, 2016

Hon'ble Mr. Justice Abdul Mateen, Member (J)

Hon'ble Lt Gen Gyan Bhushan, Member (A)

1. The Union of India through Secretary, Ministry of Defence, Govt of India, West Block-2, R.K. Puram, New Delhi -110011.
2. The Officer-In-Charge, Record Officer Signals, Jabalpur M.P. - 482001.
3. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad (U.P.)

..... Review applicants

By Legal Practitioner – Shri Ramesh Chandra Shukla, Learned Counsel

for the Applicants.

Versus

No 6278754-W Ex Hav (Honorary Naib Subedar) Jandel Singh son of Late Shri Drag Vizay Singh, R/o Village & Post Nauner, District-Mainpuri.

.Respondent

ORDER

1. This review application has been filed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 (hereinafter referred to as the Rules, 2008) with the prayer for reviewing the judgement and order dated 14.10.2015 passed by Hon'ble Mr. Justice Virendra Kumar Dixit (J) (Since retired) and one of us (Lt. Gen. Gyan Bhushan, Administrative Member (A) in O.A No. 171 of 2013, by means of which this Court had held that the applicant (respondent herein) shall be entitled to the pension of honorary rank of Naib Subedar with effect from 01.01.2006 and he shall also be entitled to arrears w.e.f. 01.01.2006.

2. The matter came up before us by way of Circulation as per provisions of Rule 18 (3) of the Rules, 2008. The review applicants have prayed that the Hon'ble Tribunal may graciously be pleased to review/recall the aforesaid judgement and order dated 14.10.2015. As per stamp reporter's report, the application is delayed by 11 month and 11 days. Rule 18 of the Rules, 2008 postulates that no application shall be entertained beyond the period of thirty days from the date of receipt of copy of the order sought to be reviewed. Admittedly, the Review Application has been filed beyond the statutory period of 30 days; as such it is not entertainable.

3. We have carefulluy gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds and reasons shown in the affidavit are general in nature and do not explain each day delay in filing the Review Application.

4. The Hon'ble Supreme Court in **Office of the Chief Post Master General and others vs. Living Media Ltd and another** reported in **2012 STPL (LE) 462000 SC** has observed as under :

“Condonation of delay is an exception and should not be used as an anticipated benefit of government department” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies be used and available. The law of limitation undoubtedly binds everybody including the Government.”

The Hon'ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation..... They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings.”

In view of the aforesaid observation, the application for condonation of delay (M.A. No. 2429 of 2016), therefore, has no force.

5. That apart, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed.

6. We have also gone through the judgment and order sought to be reviewed and the Review Application, which is time-barred. Even from the grounds taken therein, no illegality or irregularity or error apparent on the face of record has been placed, so as to review the aforesaid judgment of this Court. We are of the considered view that there is no error apparent on the face of record in the impugned judgment and order dated 14.10.2015, which may be corrected/reviewed in exercise of review jurisdiction.

7. Accordingly, the application for condonation of delay is rejected; as such, in consequence thereof, review application is also rejected.

(Lt Gen Gyan Bhushan)
Member (A)

Nov 2016
LN/

(Justice Abdul Mateen)
Member (J)

Nov 2016