

By Circulation
Court No. 1

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No 2231 of 2016

with

Review Application No. 94 of 2016

Wednesday, the 2nd day of November, 2016

Hon'ble Mr. Justice Abdul Mateen, Member (J)
Hon'ble Lt Gen Gyan Bhushan, Member (A)

No 6602925X Sepoy Dvr Mohinder Singh S/O Sh. Bhim Sen, R/O Village – Sirlal Ka Gurja,, P.O. Holipura, Tehsil – Bah, District – Agra (U.P.)

.....Applicant

Versus

1. Union of India through its Secretary, Govt. Of India, Ministry of Defence, South Block, New Delhi 110011.
2. Commanding Officer, ASC (MT) Records (South), Bangalore-560007.
3. Director Pension/AG/PS-4, IHQ of MoD (Army), DHQ PO New Delhi
4. Principal Controller of Defence Accounts, Draupadi Ghat, Allahabad.

..... Respondents

ORDER

1. The applicant has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 alongwith an application for condonation of delay. The matter came up before us by way of Circulation as per provisions of Rule 18 (3) of the Armed Forces Tribunal (Procedure) Rules, 2008.

2. By means of this application, the applicant has prayed for the following reliefs:

“(a) Allow the present Review Petition;

(b) Recall the order dt. 10.02.2016 and restore the misc. Application dt. 18.12.2015 filed by the applicant and registered as Diary No. 2740/2015 for hearing and final disposal by granting leave to appeal as a general question of public importance is involved in the present case;

(c) Pass such other and further orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

3. As per stamp reporter’s report, the application is delayed by 06 months and 17 days. Rule 18 of the Armed Forces Tribunal (Procedure) 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. Review Application No. 94 of 2016 seeks review of the order dated 10.02.2016 passed in O.A. No. 105 of 2012 by the Bench comprising of Hon’ble Justice V.K. Dixit, Member (J) (since retired) and one of us (Lt Gen Gyan Bhushan, Member (A). Admittedly, the Review Application has been filed beyond the period of 30 days; as such it is not entertainable.

4. We have 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 urged in support of the application do not appear to be germane; rather they are casual in nature and each day’s delay has not been explained. The application for condonation of delay (M.A. No. 2231 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. It is pertinent to mention here that on the date the order sought to be reviewed was passed i.e. 10.02.2016, none had appeared to pursue this case on behalf of the applicant and since the applicant had also not made good the defects pointed out by the office, the case was dismissed for want of prosecution.

6. We have gone through the 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 shown to us so as to review the aforesaid order of this Court. We are of the considered view that there is no error apparent on the face of record in the impugned order dated 10.02.2016, which may be reviewed in exercise of review jurisdiction.

7. Accordingly, the application for condonation of delay (M.A. No. 2231 of 2016) as well as Review Application No. 94 of 2016 are hereby rejected.

(Lt Gen Gyan Bhushan)
Member (A)

Nov 2016

(Justice Abdul Mateen)
Member (J)

Nov 2016

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