

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7244/2006

(From the judgement and order dated 13/02/2006 in WP No. 195/2006 of The HIGH COURT OF U.P AT LUCKNOW)

SATYA NARAIN SHUKLA

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln.(s) for connecting the SLP with W.P.(C)No.35/2006 and with prayer for interim relief and office report )

Date: 12/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA  
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

In-Person

For Respondent(s)

Mr. S.W.A. Qadri, Adv.  
Mr. Kamendra Mishra, Adv.  
Mr. Rajeev Dubey, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.  
Heard the appellant in person.

In the facts and circumstances of the case, both the orders of the Tribunal and the High Court are set aside. The application CMP No.2920 of 2005 filed by the appellant on 28.10.2005 shall be treated as a review application and the Tribunal shall dispose of the same on merits after hearing the parties.

The appeal is allowed.

(PAWAN KUMAR)  
D SINGH)

(ANAN

COURT MASTER

COURT MASTER

(signed order is placed on the file)

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007

(arising out of SLP(C)No.7244/2006)

SATYA NARAIN SHUKLA

... APPELLANT

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

O R D E R

Leave granted.

Heard the appellant in person.

Briefly the stated facts are as follows :

The appellant filed O.A.No.287 of 2005 for granting certain relief. The O.A. was disposed of by the Tribunal on 30.09.2005. On 28.10.2005 the appellant filed CMP No.2920/2005 application for addition in order dated 30.09.2005. We have gone through the contents of the application. On going through the contents of the application, although it is not specifically stated that the said application was filed by way of review, it is really by way of review. The Tribunal treated

the

application not as a review application and dismissed the same on

14.11.2005 stating that once the Tribunal has passed an order it has

become functus officio and the only way

: 2 :

open to the appellant is to file review petition. The Tribunal also held that

the application for review appears to be time barred. We are not satisfied

on both the grounds cited by the Tribunal. Firstly, the application was by

way of review. Secondly, the order dated 30.09.2005 against which the

application was filed on 28.10.2005 cannot be termed as time barred

application.

Aggrieved thereby the appellant had approached the Division

Bench of the High Court without any result. Hence this appeal by special

leave.

In the facts and circumstances of the case, both the orders  
of

the Tribunal and the High Court are set aside. The application CMP

No.2920 of 2005 filed by the appellant on 28.10.2005 shall be treated as a

review application and the Tribunal shall dispose of the same on merits

after hearing the parties.

The appeal is allowed.

.....J.

( H.K. SEMA )

.....J.

( D.K. JAIN )

NEW DELHI,

MARCH 12, 2007.