

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

RA 10/2005 in  
OA 1248/2002

New Delhi, this the 14<sup>th</sup> day of January, 2005

Hon'ble Mr. S. K. Malhotra, Member (A)

Dr. Hari Om Upadhyay

...Applicant

Versus

D.G., C.S.I.R. & Anr.

...Respondents

O R D E R

By Hon'ble Mr. S.K. Malhotra:

This application has been filed by the respondent in O.A. (Dr. Hari Om Upadhyay) seeking review of the order dated 28.10.2004 in OA 1248/2002.

2. The case pertains to recovery of penal licence fee and water charges amounting to Rs.1,80,279/- for unauthorized occupation of Government quarter by him for the period from July, 1998 to October, 2002. In the Review Application, it has been brought out that in a similar case in OA 1249/2002 decided on 21.7.2003, the Tribunal had given direction to the respondents to pay double the licence fee for the period of unauthorized occupation of the accommodation as well as electricity and water charges (Annexure-I to the R.A.). It has been stated that the respondent is not in a position to pay penal licence fee of Rs.1,80,279/- and has prayed that he should be equally treated as respondent in OA 1249/2002 and he should be allowed to pay double the licence fee.

3. During the course of discussion in OA 1248/2002, the respondent who appeared in person, had neither challenged the amount of pending rent worked out by the applicant nor he had taken any plea that the amount charged was on

the higher side. The case in OA 1249/2002 as been referred to now, had also not been cited. He had only made a request that since he is unemployed, the order for recovery of the penal licence fee may not be effected from him. In a Review Application, the case can be re-examined only if there is a glaring mistake apparent on the face of the record. The case cannot be reviewed on merit. The order dated 28.10.2004 was passed after taking into consideration the relevant rules, material available on record and submissions made on behalf of both the parties. The earlier precedent in OA 1249/2002 was neither cited nor discussed during the course of discussion. The case, therefore, does not call for a review under the provisions of Rule 1 of the order XLVII, of the Code of Civil Procedure, 1908.

4. The Review Application is accordingly dismissed without any notice to the applicant.



(S.K. Malhotra)  
Member (A)

/gkk/