

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

REVIEW APPLICATION NO.85/1999
IN
O.A. No.2437/1998

(6)

New Delhi, this the 15th day of April, 1999

Hon'ble Shri R.K. Ahooja, Member(A)

Shri Suraj Bhan Mehra
R/o N/56-A, Narain Nagar
Delhi 110 092

...Applicant

(Applicant in person)

Versus

1. The Estate Officer and Dy. Asstt.
Director of Estates (Litigation)
and (Accounts),
Directorate of Estates,
Maulana Azad Road,
Nirman Bhawan,
New Delhi 110 011

2. The Chief Controller of Accounts,
Ministry of Commerce,
Deptt. of Supply,
16-A, Akbar Road,
New Delhi 110 011

... Respondents

O R D E R (By Circulation)

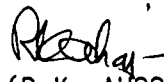
In O.A. No.2437 of 1998 the applicant had challenged the damage rent levied for his alleged unauthorised occupation of the Govt. accommodation and also for a direction that he be paid revised monthly pension as per the recommendations of the Fifth Pay Commission. When the matter came up for hearing, the applicant confirmed his arguments to the demand of damage rent. Taking note of the fact that the applicant had substantially raised the same issue in OA No.290/96 decided on 27.10.1996, the claim of the applicant was dismissed on ground of resjudicata. The applicant has now in his review application submitted that there is an error of law apparent on the face of the record, as his case is not barred by resjudicata.

2. The applicant/petitioner has argued at length as to why the conclusion of the Tribunal is not correct. He has also alleged that the error has occurred due to the ignorance of law

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of the Presiding Officer who is biased in favour of the respondents. Judges are not infallible and if it were otherwise there would be no need for courts of appeal. However what lies in the province of appellate courts where the conclusions of the lower courts are challenged cannot be traversed in a review on the ground that there is an error in appreciation of facts or law. Where without any elaborate argument one could point to the error and say here is a substantial point of law and there could reasonably be no two opinions entertained about it, it is only then it could be said that it was an error apparent on the face of the record. In the impugned judgment reasons have been given for the conclusion. The test whether the conclusion is right or wrong can thus be made only in an appellate court. The R.A. is, therefore, summarily dismissed.

3. As regards the allegations made by the petitioner prima facie a charge under Contempt of Court Act could be made out. I am, however, inclined to overlook the statements made by the applicant since he is not represented by counsel and, therefore, may not be fully aware of the implications of his actions. It will, however, be difficult to overlook similar actions by the applicant in future and the petitioner would be well advised to study the law of contempt and the implication for him of any irresponsible action.


(R.K. AHOOJA)
MEMBER(A)

SC