

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH:NEW DELHI

RA.No. 369 of 1994  
in  
OA No.1180 of 1994

Dated New Delhi, this 31st day of October '94

Hon'ble Shri J. P. Sharma, Member(J)  
Hon'ble Shri B. K. Singh, Member(A)

Shri Pratap Singh  
R/o C-28, Minto Road Complex --- Review Applicant  
NEW DELHI-110002

By Advocate: Shri B. Krishnan

Versus

1. Union of India through  
Director of Estate  
Directorate of Estates  
Nirman Bhawan  
NEW DELHI

2. The Estate Officer and  
Assistant Director of Estates  
(Litigation), Nirman Bhawan  
NEW DELHI

--- Respondents

JUDGEMENT (by circulation)

Shri B. K. Singh, M(A)

This Review Application No.369/94 in OA.No.1180/94

has been filed by the applicant against the order and

judgement dated 23rd September, 1994 in OA.No.1180/94.

After being fully satisfied that the present review

applicant had fully sub-let the house to another person,

the respondents passed the eviction order against the

applicant from Qtr.No.C-28, Minto Road, New Delhi.

The applicant had appealed against the cancellation

order dated 27.10.88 to the appellate authority,

i.e. Additional District Judge, Tis Hazari who does

not have any power either for allotment or for

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cancellation of the allotment. The appellate authority can interfere only when the procedure laid down under Section 4 & 5 of the P.P.E. Act, 1971 is not observed.

In order to give the applicant further opportunity, the Additional District Judge remanded the case for fresh consideration and directed the review applicant to appear before the Estate Officer on 29.7.92. The applicant did appear before the Estate Officer and made submissions orally and also in writing. Even after the second hearing the respondents were satisfied that the review applicant was not in occupation of the house allotted to him and that the Negi family was unauthorisedly living in that quarter. These were based on the grounds that neither his widow sister nor any of his two sons were found in the quarter at the time of inspection. It is not necessary that all the three should have been present but certainly one of them could have been present at the time of inspection. True that the applicant had a Ration Card and Cooking Gas Consumer No. at the address of C-28, Minto Road, New Delhi, but that is not a conclusive proof of somebody actually living in the quarter allotted to him. The respondents also found that the various statements made by the review applicant were contradictory and the Deputy Director(P) came to the finding that he had fully sublet the house to the Negi family.

  
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2. We have gone through the Review Application and we do not find any error factual or legal apparent on the face of record and we also do not find discovery of any new and important fact or evidence which was not produced at the time of hearing, and also we do not find any other ground analogous to those specified under Order 47 Rule 1 of CPC or under the provisions of Section 114 warranting a review of the application and the same is summarily rejected under Order 47 Rule 4(1) of the CPC.

(B. K. Singh  
Member (A))

(J. P. Sharma  
Member (J))

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