

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. 415/94

M.A. 4100/94 in

O.A. 304/94

(11)

New Delhi, this the 6th day of January, 1995

Hon'ble Shri J.P. Sharma, Member (J)

1. Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. Director,
Dte. of Estates,
Govt. of India,
Nirman Bhawan, New Delhi. ... Applicants

Vs.

1. Smt. Nirmal Sharma,
w/o Shri K.S. Gautam,
R/o H-316, Sarojini Nagar,
New Delhi.

2. Shri K.S. Gautam,
Son of late Shri Duli Chand Gautam,
R/o H-316, Sarojini Nagar,
New Delhi. ... Respondents

O R D E R

The Union of India has filed this Review application against the judgement dated 24.5.94 passed in O.A. 304/93 allowing the application of the applicants for the grant of reliefs that the respondents either to regularise the Govt. accommodation No. H-316, Sarojini Nagar, New Delhi in favour of Applicant No. 1 or allot another eligible type Govt. accommodation on out of turn basis to Applicant No. 1 and till such time she may not be evicted from the present premises. The notice issued to the applicants dated 17.11.93 was quashed.

2. This Review application has been filed beyond time and M.A. No.4100/94 has been moved for condoning the delay. The ground taken in the M.A. for condoning the delay has been considered and that after obtaining certified copy of the judgement, the Review application has been filed which caused the delay of 136 days. In any case the delay is condoned on the basis of the affidavit filed by Shri Mahesh Arora, Deputy Director, Directorate of Estates, New Delhi.

(2)

3. Now the facts of the case as projected in the judgement itself are that Applicant No.1 Smt. Nirmal Sharma is the wife of Applicant No.2 Shri K.S. Gautam. Both of the applicants have been serving as Teacher, the wife in the Govt. Girls Secondary School No.2, Sarojini Nagar and the husband as Language Teacher in Boys Senior Secondary School, Netaji Nagar, New Delhi. Both are living together in the premises No.H-316, Sarojini Nagar which was allotted to Shri K.S. Gautam, Applicant No.2, who retired on 31.5.93 and the wife applied for regularisation of this accommodation in her name. When she could not get the relief, she filed the present application on 25.1.94. A notice was issued to the respondents and even after service, none appeared for the respondents except on 2.3.94 when Shri George Paricken appeared and prayed for time to file the counter. After March, 1994 the case was adjourned to May, 1994 thrice but no contest was made by the respondents when the case was heard on 23.5.94 and the judgement under review was delivered on 24.5.94 on which day none appeared on behalf of respondents.

4. In fact nobody has put a contest to the claim made by the applicants.

5. The ground taken is that the directions of the Tribunal are not in conformity with the provisions of Directorate of Estates O.M. dated 27.12.91. But the respondents have not chosen to file any reply and almost the proceedings have gone ~~ex parte~~ against them. In the Review application, the respondents cannot take a stand which they have not pressed in the O.A. by filing a reply. Non consideration of that O.M. of 27.12.91 does not make out an error apparent on the face of the order. It is not the case of the respondents that the said O.M. was not available with the respondents or that the respondents were not served of the date of the original application. In para 5 of this Review application, the respondents have stated "that the respondents could not file their reply/comments in the main application". When the respondents have allowed the case to go by default and have been given adequate opportunity repeatedly atleast 5 times, they have no cause now to get the judgement reviewed when the same has been decided on the basis of the available material on record.

6. The Review application, therefore, does not make out a case wherein an interference is required in the judgement on review. There is no error apparent on the face of the judgement. The Review application therefore, is dismissed. *Ex parte*

J. P. Sharma
(J. P. SHARMA)
MEMBER(J)

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