

Central Administrative Tribunal  
Principal Bench.

RA 74/97  
in  
OA 1275/96

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New Delhi this the 1st day of April, 1997

R.P. Yadvvendu & Ors. ...Applicants.

By Advocate Shri B. Krishan, Versus

Union of India & Ors. ...Respondents.

**O R D E R (By circulation)**

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This is a Review Application (RA 74/97) in O.A. 1275/96 seeking review of the order dated 28.1.1997.

The applicants have also filed M.A. 680/97 in the Review Application for grant of ad interim stay of eviction in respect of the government residences in occupation of the applicants as ordered in the impugned judgement.

2. Dealing first with the Review Application one grievance taken by the applicant is that the judgement in Jai Ram Yadav's case should have been followed and not distinguished. It has also been pointed out that the applicants had not relied upon another judgement in O.A. 1952/91. They have also relied upon the dismissal of the M.A. 1189/96 in O.A. 1963/91 seeking clarification of the order. The review applicants have submitted that the copy of the judgement in O.A. 1963/91 was submitted at the time of hearing, ~~but~~ the copy of the order dated 6.6.1996 in the same O.A. was not readily available with the applicants.

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Hence, they have now submitted the order dated 6.6.1996 passed in M.A. 1189/96 so as to help in reviewing the judgement in case of the applicants and in the interest of justice. They have also submitted that they should be allowed to argue their case of discrimination against the other similarly circumstanced government employees. They have, therefore, prayed that having regard to the provisions of Article 14 of the Constitution and the aforesaid order of the Tribunal dated 6.6.1996, the impugned order dated 28.1.1997 in O.A. 1275/96 should be reviewed and the applicant should be heard in the matter again.

3. From the averments made in the review application, it is clear that what the applicants are attempting to do is to reargue the matter which have already been considered and rejected in the judgement. The applicants have tried to say that while the judgement in O.A. 1963/91 was available with them, however, the order of 6.6.1996 in M.A. 1189/96 was not readily available with the applicants at the time of hearing of the case in O.A. 1275/96. It is relevant to note that the impugned judgement has been passed on 28.1.1997 i.e. nearly six months after the order dated 6.6.1996 on the basis of which the ~~respondents~~ <sup>applicants have</sup> submitted that the impugned order should be reviewed. The applicants have not been able to show that there is any error apparent on the face of the record nor is there any satisfactory explanation as to why they could not have produced the order dated 6.6.1996 if they wished

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to rely upon it. The impugned judgement has been given on the basis of the materials on record and since none of the grounds provided in Order 47 Rule 1 CPC under which alone the review lies has been shown in the review application, this application cannot be allowed. It is settled position that the review application cannot be used as an appeal to reargue the case which has already been decided. If the review applicants are aggrieved by the judgement, it is open to them to file an appeal in the proper forum in accordance with law. The review application is accordingly dismissed. M.A. 680/97 praying for grant of ad interim ex parte stay against the impugned order dated 26.2.1997 which has been passed following the judgement dated 28.1.1997 is also without any merit and it is dismissed.

4. In the result, both M.A. and R.A. 74/97 are dismissed.

*Lakshmi Swaminathan* 114  
(Smt. Lakshmi Swaminathan)  
Member (J)

'SRD'