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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 134 of 1996 In
O.A. No. 1162 of 1995

New Delhi this the 29th day of January, 1997.

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Shri Yogdutt Gaur
S/o Late Shri Jai Dev Sharma,
R/o H.No.40, Mangashpur,
P.P. Qutab Garh,
Delhi-110 039.

2. Smt. Bharpai Devi
W/o Late Shri Jai Dev Sharma,
R/o House No.40, Mangeshpur,
P.P. Qutab Garh,
Delhi-110 039.

.Petitioners

Versus

1. Director of Printing,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. The Manager,
Government of India Press,
Minto Road,
New Delhi.


..Respondents

ORDER BY CIRCULATION

Review

This / Application has been filed after a short delay, which is condoned. The petitioner seeks to review the order passed in the aforesaid O.A. on the ground that the order directing that the respondents are entitled to recover damage charges on account of retention of accommodation beyond the permissible period of retention from 3.6.1993 to 12.1.1995, is erroneous. The petitioner contends that he had already requested the respondents for disconnection of the electricity connection and, therefore, he should be presumed to have vacated the premises on 29.11.1994 and,

therefore, directing the respondents to charge damage rent upto 12.1.1995 will not be sustainable. The fact that he had asked for disconnection of electricity on 29.11.1994 is not a conclusive proof of his vacation and there can be no presumption in regard to the vacation of premises on 29.11.94 itself. In the Original Application itself he had indicated 12.1.1995 as the date of vacation and he had not mentioned the fact of his having vacated on 30.11.94 anywhere in the application itself and, therefore, the present averment in the Review Application is an after-thought. The respondents have also, in the counter-reply to the O.A., indicated ~~as~~ 12.1.1995 as the date of vacation. Accordingly, the date of vacation as 12.1.1995 had been mentioned in the order. The petitioner has, therefore, not made out any ^{apparent} case of omission or error/on the face of the record. In view of this, the Reivew Application is rejected.


(K. MUTHUKUMAR)
MEMBER (A)

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