

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

NEW DELHI, this the 4th day of July, 1995.

RA No. 149 of 1995.
in

OA No. 717 of 1995.

HON'BLE MR B.K. SINGH, MEMBER(A)

Shri Jagdeep Singh,
Type II at CPWD Enquiry Office,
Shahjahan Road, New Delhi.

..... Applicant.

vs

1. Union of India
through Superintendent Engineer,
CPWD, I.P. Bhavan,
New Delhi.
2. Executive Engineer,
"N" Division, C.P.W.D.,
New Delhi.
3. Ministry of Urban Development
THROUGH Directorate of Estates,
Nirman Bhavan,
New Delhi.
4. Assistant Director,
Directorate of Estates,
Nirman Bhavan,
New Delhi.

..... Respondents.

ORDER
(by circulation)

HON'BLE MR B.K. SINGH, MEMBER(A)

This Review Application No. 149/95 has been filed against the judgment passed in OA No. 717/95. The application was dismissed as barred by principles of res judicata.

Order 47 Rule 1 of the Code of Civil Procedure lays down that a review application can only lie if a new piece of evidence or a new document, which, inspite of due diligence could not be produced at the time of final hearing or when the order was made, is available with the review applicant now. No such evidence or document

has been produced warranting review of the decision and order already made in OA No.717 of 1995. There is no factual or legal error apparent on the face of the record. The review applicant has not been able to show any such error, factual or legal on the face of the judgment and order made in O.A.No.717 of 1995. The third ground on the basis of which a review application ^{any other material} can lie is analogous to the aforesaid two ~~others~~ mentioned above.

I do not find any other material on record to warrant a review of the judgment and order already made in the O.A. As already stated in the judgment that the matter had already been decided by a Court of competent jurisdiction, and, therefore, the same issue could not be adjudicated upon through another Original Application and that is the reason why the OA No.717/95 was dismissed as barred by the principles of res judicata. The applicant was allowed to remain in the house till 30th April, after which he was liable to pay damage rent as already decided by a Bench of concurrent jurisdiction.

In view of the above, there is no merit in the review application and the same is dismissed summarily under Order 47 Rule 4(1) of the Code of Civil Procedure.

/sds/

(B.K. Singh) 6/7/95

Member (A)