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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA 289/94 in OA 473/1993

New Delhi, this 14th day of September, 1994

Shri C.J.Roy, Hon'ble Member(J)

Shri S.P. Pasan
Chief Inspector of Works(Gr.I)
Northern Railway .. Applicant
Kashmeri Gate, Delhi

By Shri S.M.Rattanpaul, Advocate

VERSUS

1. The General Manager
Northern Railway
Baroda House, New Delhi
2. The Chief Administrative Officer(Constn)
Northern Railway
Kashmeri Gate, Delhi
3. The Dy. Chief Engineer(Constn)
Northern Railway .. Respondents
Jammu Tawi

By Shri K.K.Patel, Advocate

ORDER (by circulation)

This RA is filed by the applicant against the order dated 22.7.94 in OA 473/93 wherein the following direction was given:

"The respondents are directed to recover double the rate of penal rent but not damage rent for the period from 6.1.88 to 14.5.90 and pay construction allowance @ Rs.300/- p.m. to the applicant for this period. This exercise must be completed by them within a period of 3 months from the date of receipt of this order. No costs."

2. The review application is filed on the ground that though it is mentioned in the judgement that the applicant can not insist on payment of only normal rent, it is reasonable that double the assessed rent for the period mentioned therein for his retaining the quarter at Jammu is charged,

whereas the operative portion of the judgement states that double the rate of penal rent is to be recovered from the applicant. Another ground is that if double the penal rent is recovered from the applicant, the penalty imposed upon the applicant will be much more than Rs.13,247/- which includes the element of damage rent.

3. As per Order 47, Rule 1 of CPC, a review application can be filed only (i) when some new material which is not available with the applicant at the time of the hearing and that comes into possession subsequently and which has a bearing on the case, or (ii) that there is an apparent mistake on the face of the record that has crept in the judgement or (iii) if there is any sufficient reason. Apparently, there is no such thing is available in the RA.

4. Also, as per AIR 1975-SC 1500, a review of the judgement is a serious step and a reluctant resort to it is proper only where a glaring omission or a patent mistake or a grave error has crept in earlier by judicial fallability.

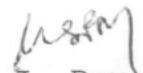
5. Before delivering the above judgement, I had patiently heard the argument and averments made by both the counsel and also carefully gone through

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the records made available to me. The points now raised in the RA have already been argued and considered by me. Besides, a review can not be converted into an appeal by reurging the same points again and again. Therefore, I feel that the applicant has not made out a case for a review.

6. In the circumstances, the RA is dismissed devoid of merit with no order as to costs.


(C.J. Roy)
Member (J)

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