

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL DIRECTOR OF AUDIT

(16)

(B)

RA 443/1993 in OA 1112/93

New Delhi, this 5th day of October, 1994.

Shri C.J. Roy, Member(J)

Samir Ghosh
s/o Shri K.K. Ghosh
D-75, Thompson Road
New Delhi-110 002 .. Applicant
(By Shri A.K. Behra, Advocate)
Vs.

1. The Comptroller and Auditor General of India
10, Bahadur Shah Zafar Marg
New Delhi-110 002
2. The Director General of Audit
o/o Principal Director of Audit
Posts & Telecommunications
Delhi-110 054
3. The Director
Posts & Telecommunications
Audit Office
Delhi-110 054 .. Respondents

(By Shri Vijay Mehtra, Advocate)

O R D E R

This review application is filed on the behalf of the Union of India against the judgement delivered on 20.8.93 in OA 1112/93, by which the impugned order dated 1.5.92 was set aside and quashed and the respondents were given the following directions:

- 1) To allot a general pool accommodation to the applicant as per his entitlement
- 2) The respondents are restrained from charging any penal rent in the departmental pool accommodation arising out of the occupation of the applicant till he is given an accommodation in the general pool quota.
- 3) The excess amount, over and above the normal licence fee recovered from the applicant prior to the stay granted by the Tribunal shall be repaid to him.

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2. The review application is filed on the ground that the respondents are not aware of the judgements in OA 1963/91 and OA 851/92, about which a reference has been made in para 3 of the judgement dated 20.8.93 and that these two judgements do not have any relevance in so far as the subject of the present OA is concerned. Another ground is that only a limited number of quarters are available in the pool of the DAP&T for accommodating their own staff and since the permanent cadre of the Auditor has been abolished and only the staff is taken on deputation, the respondents have to provide accommodation to such staff members and unless and until those who are posted out of DAP&T office and their quarters are got vacated, the others who joined on deputation can not be accommodated. The respondents therefore claim that there is an error apparent on the face of the record and hence this review application.

3. It is relevant to mention here that while disposing of the OA of the applicant, all the points raised by the applicant, averments made by the respondents and again the various points raised by the applicant in his rejoinder were considered carefully. It is also important to mention that the applicant has been absorbed permanently in the office of Respondent No.3 by order dated 24.2.92 on his transfer to that office and that his application for allotment of general pool accommodation has been duly forwarded to the concerned authority by the respondents' forwarding letter dated 1.6.1992 inter alia stating that 'It is confirmed that the facts stated in application are correct'. It is, therefore,

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reasonable that the applicant should be allowed to continue in the accommodation allotted to him until he gets general pool accommodation.

4. I have heard the learned counsel for the parties. I do not find any substance in the arguments advanced by the learned counsel for the respondents vis-a-vis there is no error apparent on the face of the judgement as claimed by the respondents in the review application.

5. It is further relevant to mention here that as per Order 47, Rule 1 of CPC, a review application can be filed only (i) when some new material which is not available at the time of the hearing and that comes into possession subsequently that has a bearing on the case, or (ii) when there is an apparent mistake on the face of record that has crept in the judgement or (iii) if there is any analogous ground. None of these conditions is noticed in the present RA.

6. In the circumstances, I am not inclined to accept the contention of the respondents for a review. The RA is, therefore, dismissed with no order as to costs.

*W.B. Roy* 5/10/94  
(C.J. Roy)  
Member (J)

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