

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No.103 of 1994 in
O.A. No.1039 of 1993

This 4th day of April, 1994

Hon'ble Mr. B.K. Singh, Member (A)

Shri Madan Ram,
S/o Shri Karam Ram,
E-133, Moti Bagh,
New Delhi.

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Applicant

By Advocate: Shri J.P. Verghese

VERSUS

1. Union of India, through
The Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.

2. Directorate of Estates,
Nirman Bhavan,
New Delhi.

3. Shri Bhure Singh,
Eviction Inspector,
Directorate of Estates,
Nirman Bhavan,
New Delhi.

4. The Administrative Officer,
Air Force Station,
Race Course Road,
New Delhi.

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Respondents

By Advocate: None.

O R D E R

(By Hon'ble Mr. B.K. Singh, M(A))

This Review Application has been filed against the order dated 7th February 1994 in the OA No.1039/93. The order passed in that O.A. has taken into consideration all the facts and legal issues involved in the case. The judgment is based on harmonious reading of the provisions of Sections 5 and 6 of the PPE Act, 1971 and the principles of natural justice have been followed by the respondents in passing the order of eviction and also in evicting

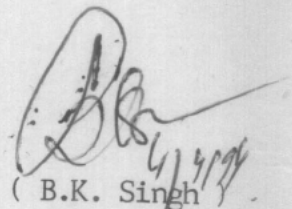
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the review applicant after following the due procedure of law.

2. The Tribunal does not have any inherent power of review. It exercises the power of review under Section 114 read with Order No.47 Rule 1 of CPC which envisages that a review lies only (i) when there is a discovery of new and important matter of evidence which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by the applicant at the time when the order was made; (ii) on account of some mistake or error apparent on the face of the record; or (iii) any other sufficient reason.

3. I have carefully gone through the RA and the judgment passed on 7.2.94 and I do not find that there is any error of fact or law apparent on the face of the record. The review application cannot be permitted for advancement of fresh arguments. Even a plea not taken in the OA cannot be permitted to be taken in the RA.

4. Rule 4(i) ^{of CPC} lays down that if there ^{is} no sufficient ground for review, the review application shall be summarily rejected. I do not find any ground for consideration of the Review Application and accordingly it is rejected, by circulation.


(B.K. Singh)
Member (A)

vpc