

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

R.A.NO.194/90 in
O.A.NO.1269/90

DATE OF ORDER: 2.1.1992.

SH. MULKH RAJ VS UNION OF INDIA & OTHERS.

O R D E R

This review application has been filed by the Union of India & Others, who were respondents in O.A.No.1269/90, which was decided vide our judgement dated 24.9.1990, directing the applicant to vacate the railway quarter by a particular date, and the respondents to release the amount of death-cum-retirement gratuity, after deducting the rent at normal rate, till that date, and leaving both the parties to pursue their respective claims in appropriate forum, according to law.

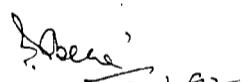
2. The respondents have sought for review of the said judgement, primarily, on the ground that the decision of the Hon'ble Supreme Court of India, in OA-114/89 - Shiv Charan Vs. U.O.I. & Ors., decided on 16.8.1989, was not a judgement rem; rather the same was decided in view of peculiar circumstances of that case, and, as such, should not have been made the basis for decision of OA 1269/90.

3. We have considered the above ground of review, besides others, taken up in the present application, and suffice to say that taking the position involved in OA 1269/90, as the same as one in 1114/89 (Shiv Charan Vs. U.O.I. & Ors.), and taking cue from the decision of Hon'ble S.C. in the latter, we chose to proceed on the lines, as directed

in that, which also ensured vacation of the railway quarter, the avowed aim of Railway Board's letter No.E(G) 81QR1 dt. 24.4.1982, and also the release of the balance amount of DCRG to the original applicant, after deduction of the rent at normal rate, till date of vacation, leaving the parties to pursue their respective claims, before the appropriate forum. In these circumstances, we see no justification for granting the present review application, on the grounds mentioned therein, nor, to our mind, the same fall within the scope of review, as envisaged in Order 47, Rule 1, read with Section 22(3)(f) of the Administrative Tribunal Act, 1985. As a result, the review application is rejected, by circulation, in terms of Rule 17(iii) of the Central Administrative Tribunal (Procedure) Rules, 1987.


(I.K. RASGOTRA)

MEMBER(A)


2.1.92
(T.S. OBEROI)

MEMBER(J)

/vv/