

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

(28)

R.A. No. 111/92 in : Date of decision 24.7.92

O.A. No. 463/91

Sh. Mahmud Ali : Applicant

B.B. Raval : Counsel for the applicant

Versus

U.O.I. & Ors. : Respondents.

CORAM

Hon'ble Sh. J.P. Sharma, Member (J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?

2. To be referred to the Reporters or not ?

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N. Dhoundiyal,

Member (A)

This Review Application has been filed under Section 22(3)(f) of the Administrative Tribunal Act, 1985 by Sh. Mahmud Ali & Another in respect of judgement delivered by a Bench of this Tribunal, one of us (Shri J.P. Sharma) was a Member, in OA No. 463/91 decided on 27.2.92. The brief facts of the case are that applicant was retired as Jr. Clerk, Northern Railway in the Stores Branch on 28th Feb. 1990. He had quarter No. 146/2, Railway Colony, Minto Road, New Delhi was allotted to him. The applicant No. 2 Sh. Liaqat Ali is the son of the Applicant No. 1 Madmod Ali. He was appointed as a Khalassi on 1st of December, 1982 and had been placed in the pay scale of Rs. 750-940 w.e.f. 1st Sept. 1986. He had not drawn any House Rent

Allowance since he joined the service and had applied for regularisation of the quarter in his name. This Bench had found that this claim was not sustainable as under the existing rules, regularisation of quarter in such cases was granted as a special dispensation in favour of the eligible wards of the retired or deceased employees and the scope is to be confined only to such of the wards as are regular employee. Thus, the casual labourer and a substitute with or without temporary status are excluded from their purview. The similar view was taken in OA No. 724/91. decided on 26.8.1991.

2. It has been held in John Lucas vs. Addl. C.M.E.(1987) 3 ATC 328; Bal Krishan v. Delhi Admn. (1989) 10 ATC 747 that a review application will be maintainable only if it comes within the four corners of Order 47, Rule 1 and Section 114 CPC. Discovery of new and important matters or evidence which could not be produced by the applicant when the OA that was under consideration can thus, be, legitimate ground for the review. The son had already ^{been} ~~appeared~~ ^{for screening} ~~in the month of~~ November 1991 but the result was awaited. The result has now been declared on 16.3.92. and the applicant's name has been included in the panel of successful candidates. He had already been placed in pay scale of Rs. 750 - 940 w.e.f. 1.9.86.

3. Since the applicant's son has been screened & regularised w.e.f. 16.3.92 after the delivery of the judgment in OA, he has no case for Review. However, the respondents are within their right to consider the case of the applicant for regularisation of the quarter in the light of the various

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instructions issued and also whether similarly situated persons have been considered and allowed regularisation of the quarter. In view of this ~~case~~ last para ~~is~~ shall be added to the judgment under Review as follows:

The applicant ~~2~~ ² ~~Ma~~ Ali had appeared for screening in Nov. 1991 but the result of screening was declared only later and he became a regular employee under the respondents as a result of this screening w.e.f. 16.3.92 and has been in a regular pay scale since 1.9.86.

The respondents should therefore consider his case afresh in the light of prevailing instructions and facilities given to similarly situated persons. The applicant may not be evicted from quarter No. 146/2, Railway Colony, Minto Bridge, New Delhi till the respondents have passed final orders in the matter.

The parties will bear their own costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 24/7/92

Member (A)

J.P. Sharma
(J.P. Sharma) 24/7/92

Member (J)