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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
* * *

16.10.1992

RA 308/92 in OA 306/92

Shri Prem Prakash Vs. Union of India & Ors.

ORDER

This is a Review Applilcation against the judgement dt.14.8.1992. In OA 306/92, the applicant has prayed the following reliefs :-

(a) The respondents be ordered to pay to applicant whole DCRG with 18% interest without any deduction.

(b) Wrongful and illegal proceedings under Section 190 of the Railway Act be stayed.

(c) Orders issued vide notice dt. 7.10.1991 be cancelled and

(d) Special cost of the application with compensation for harassment and mental agony caused to the applicant may be awarded.

By the judgement dt.14.8.1992, this Original Application was disposed of with the following directions:-

(a) The respondents are directed to pay the DCRG amount, if not already paid less the amount of rent due against the applicant for unauthorised occupation till the date of vacation, i.e., February, 1992.

(b) The respondents shall also pay interest to the applicant @12% p.a. on the DCRG amount commencing six months after the retirement of the applicant, i.e., 1st July, 1990 till the date of payment.

(c) The respondents are free to claim market rate of rent from the applicant for use and occupation of the

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premises allotted to him when his possession became unauthorised w.e.f. 30.11.1990 and the respondents can take action under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 or as advised under the Extant Rules.

(d) The respondents are directed to comply with the above directions within a period of three months from the date of communication of this judgement.

(e) In the circumstances, the parties shall bear their own costs.

The grounds taken in the Review Application are only argumentative and the points agitated have already been covered in the judgement. The applicant cannot reopen the matter again.

As provided by Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

(i) if it suffers from an error apparent on the face of the record; or

(ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or

(iii) for any other sufficient reason construed to mean "analogous reason".

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No ground is made out for review of the judgement and the same is dismissed.

(J.P. SHARMA)
MEMBER (J)

16.10.92