

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

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Date of Decision : 16.10.92

RA 301/92 in OA 1065/92

Shri Amar Singh & Anr. vs. Union of India & Ors.

ORDER (For circulation)

The applicants have preferred this application for review of the judgement dt. 9.9.1992 by which OA 1065/92 of the applicants was dismissed. The applicant No.1 had requested the authority to allot the quarter to his son, applicant No.2, who was also employed in the corporation before his retirement. This request was rejected by the order dt. 7.3.1991. Ultimately, the eviction order was passed against the applicants on 9.8.1991.

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

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

(A)

The only ground taken in the Review Application is that the applicants could not furnish the details of officials who were similarly placed to the applicants and allotted the residential accommodation on out of turn basis. The fresh evidence desired to be tendered by the applicants cannot be said to be not in the knowledge of the applicants when the OA was filed. The applicants cannot reopen the whole case again for fresh adjudication. Shri Amar Singh, the father has filed an affidavit that he came to know that in similar circumstances out of turn allotment has been made to Shri V.K.Sharma and Shri Ravinder Kumar, which he learnt on visit to the office of the respondents on 21.9.1992. This cannot be taken as a ground that the applicant was not in the knowledge. The point has already been discussed and covered in para 5 of the judgement where the plea of discrimination was taken by the applicants that certain quarters have been allotted out of turn on compassionate grounds. Besides there is also an observation in the said para that this alone is not enough and what is required to be shown is that relevant conditions are applicable to the facts of a present case.

There is no other ground pressed in the Review

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(18)

Application. The Review Application, is therefore, devoid of merit and is dismissed by circulation.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

Dec 16/1992
(P.C. JAIN)
MEMBER (A)