

BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED: THIS THE 16 DAY OF MAY 1997

Coram : Hon'ble Mr. S. Das Gupta AM
Hon'ble Mr. T. L. Verma JM

Review application No. 117/96 In O. A. No. 661/95
Amrendra Kumar Singh - - - - - Applicant

C/A Sri Bashisht Tewari

Versus

Union of India and others - - - - - Respondents

ORDER

BY Hon'ble Mr. S. Das Gupta AM

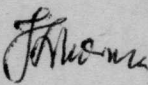
This application has been filed seeking review of the judgment and order dated 18.10.1996 by which the O.A. 661/95 was dismissed. In the aforesaid O.A., the applicant sought a direction to the respondents to allot a particular quarter or any other quarter which may be available for allotment on out of turn basis. From the pleadings, it appeared that there were 27 quarters and 5% of these quarters were to be allotted on out of turn basis. The respondents contested that according to this percentage, only one quarter was to be allotted on out of turn basis and one such quarter had been allotted out of turn and there was no other quarter for allotment on out of turn basis. The applicant on the other hand contended that out of 27 quarters, 2 quarters ^{should} have been in the 5% quota for out of turn allotment. The applicant's contention was rejected

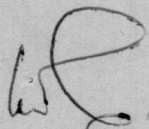
and it was held that 5% of 27 would work out to less than 1.5 and therefore, only one quarter was available for allotment on out of turn basis. The O.A. was accordingly dismissed.

2. In the instant review application, it has been stated that one quarter, which was allotted on out of turn basis earlier had been vacated by the original allottee and thereafter on 5.2.1996 this quarter was allotted on the basis of seniority and thus no quarter was allotted on out of turn basis when the case was heard and judgment pronounced.

3. The aforesaid fact was never averred in the O.A. This could have been brought on record by way of amendment. Not havin done so, we see no reason at this stage to readjudicate the matter since it was not ~~the~~ fact which could not have been brought out earlier by exercising due diligence.

4. The aforesaid review application has no merit and is accordingly dismissed.


Member (J)


Member(A)

SQI