

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 27th day of February, 2001

Coram: Hon'ble Mr. S. Dayal, Member (A)

REVIEW APPLICATION NO.17 OF 2000

Union of India through General Manager
Northern Railway, Baroda House,
New Delhi and others.

(By Advocate Sri P. Mathur)

. Applicants
Respondents

Versus

Bhagwan Swaroop Kulshrestha,
s/o late Shri Mahraj Singh,
r/o B-510, IFFCO Township,
Aonala, District Bareilly.

. Respondent
Applicant.

ARISING OUT OF

ORIGINAL APPLICATION NO. 1667 OF 1994

Bhagwan Swaroop Kulshrestha Applicant

Versus

Union of India and others Respondents.

Counsel for the applicant: Sri Prashant Mathur.

_O_R_D_E_R_ (By Circulation)

(By Hon'ble Mr. S. Dayal, AM)

This Review Application has been filed for
review of the order dated 16.7.99 in OA No.1667 of
1994.

2. The review has been sought on the ground
that the amount of D.C.R.G. due to the applicant
of Rs.6,849/- balance after adjustment towards
payment of penal rent was sent to the applicant
by registered post, but the same was returned with
the postal remarks that the applicant was not found

2.

at that address and that the Railway Board had issued instructions which were ^{not} available to learned counsel for Respondents in O.A. at the time the final arguments in the O.A. were made.

3. The aforesaid O.A. was decided giving following directions to the respondents:-

- (i) to calculate the amount of gratuity payable to the applicant and add 12% interest from a period of two months after his retirement till the date of payment and deduct from that amount of penal rent to be paid by the applicant for retention of quarter beyond the period on which he was authorised to retain the same;
- (ii) to entertain any claim which might have been made or which may be made by the applicant for settlement/package allowance without insisting on the applicant being issued a kit pass;
- (iii) to consider the claim of the applicant for tuition fee for his son for the period permitted under the extant rules;
- (iv) to consider the claim of the applicant for expenses on tickets for undertaking journeys during the period in which the facility for complementary passes was withheld and restore complementary passes to the applicant forthwith.

3.

(4)

It has been mentioned in the aforesaid order that the applicant vacated the premises on 31.3.1991 and the respondents also admitted in their counter reply that Sri Diwaker Singh was in occupation of the quarter since 1.5.1991.

4. Now Respondents in the OA, who are applicants in the Review have admitted that Sri B.S. Kulshrestha the applicant in the O.A. was not actually paid the balance of amount of gratuity in 1991, the ground on which they seek review of the order is that the applicant's address was not known and, so, he could not be paid the amount of gratuity. Such a ground does not absolve them from the responsibility of finding out the address of the applicant, who was their pensioner and who was sending representations to the respondents from time to time, as can be seen from the O.A.

5. The second reason of non-admissibility of the claim of the applicant on expenses on tickets of journeys undertaken during the period in which the facility for complimentary pass was denied is that such action has been made legally enforceable by order dated 3.11.99 and this fact should be taken into consideration. This contention is not acceptable, because the order, which is sought to be reviewed was passed on 16.7.99.

6. In any case, the application for review can be made for (i) error apparent on the face of the record, or (ii) on discovery of documents, which were not available to the applicant in review despite due diligence in getting the same of for any other sufficient reason.

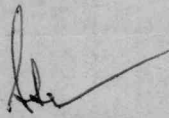
[Signature]

Contd..3

4.

9

The applicant in review has not been able to make out such a case. Therefore, the Review Application stands dismissed.


(S. DAYAL)
MEMBER (A)

Nath/