

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 25th Day Of August 2008.

REVIEW APPLICATION NO. 09 of 2006

In

ORIGINAL APPLICATION NO. 1289 OF 2002

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Kanchan SinghApplicants

By Advocate: Shri Yaswant Singh.

Versus

Union of India and othersRespondents

By Advocate: Shri S. Singh

O R D E R

This Review Application No.09/06 has been filed against the final order dated 7.12.2005 (Kanchan Singh Vs. Union of India and Ors.) in O.A. NO. 1289 of 2002- wherein dispute was with regard to recovery of Rent/fee in lieu of unauthorized occupation of the Government accommodation allotted to the Applicant.

2. Final order shows that the applicant was working as Office Assistant, Postal Store Depot, Aligarh. He was transferred to Postal Depot, Saharanpur, where he joined on 29.06.1987. He was allotted quarter No. KB-2, Kendra Vihar Colony, Saharanpur on 19.8.1987 Rs. 85/- per month as licence fee plus electric and water charges. Applicant was admittedly occupied the said quarter on 22.08.1987. The applicant was transferred from Saharanpur to Deoband on 10.1.1996 but he failed to vacate the said Quarter for various reasons. Since the applicant failed to deliver

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vacant/possession of the quarter on his transfer, he consented to pay entire amount of 'enhanced/penal rent' due against him. It appears that certain amount of dues in lieu of unauthorized occupation of said residential quarter, were claimed by the Department and sought to be recovered. Feeling aggrieved, the applicant has filed above O.A.

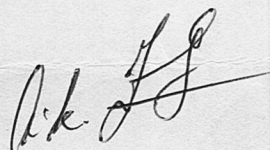
2. Learned counsel for the applicant submitted that earlier on 30.3.2006 Bench called for counter reply in the Revision Application hence the O.A. cannot be heard and decided without the same being brought on record and without considering it. I find no force. There is no law, once time is granted for filing counter reply, case cannot be decided otherwise. This argument is apparently without stance.

3. Tribunal vide its final order (referred to above) relying upon the Supreme Court decision in the case of Amitabh Kumar Vs. Director of Estates & Anr. 1997 (3) SCC 88 dismissed the said O.A.

4. The present Review Application has been filed against aforesaid final order dated 7.12.2005. Perusal of the Review Application before us shows that the applicant seeks is asking us to enter into the merits of the case. This Bench in exercise of its review jurisdiction cannot be sit in appeal over the judgment of co-ordinate Bench. There is no apparent mistake warranting Review.

5. Review application is accordingly dismissed.

6. No order as to costs.


Member (J)

Manish/-