

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

Review Petition No.90/96
in
Original Application No.583/96.

Coram: Hon'ble Shri B.S.Hegde, Member(J).

Sarejrao Laxmanrao Kshirsagar,
3/39 Type 'B' C.G.S.Quarters,
Wadala (W), Mumbai 400 031.

... Applicant.

V/s.

1. Union of India
through the Estate Manager,
3rd Floor, Old C.G.O. Annexe,
101 M.K.Road,
Mumbai - 400 020.
2. The Chief Commissioner of
Income-tax, 3rd floor,
Aayakar Bhavan,
M.K.Road, Mumbai 400 020.
3. Deputy Commissioner of Income Tax
(HQ) Personnel, Mumbai
3rd floor; Aayakar Bhavan,
M.K.Road, Mumbai 400 020.

ORDER ON REVIEW PETITION BY CIRCULATION

(Per Shri B.S.Hegde, Member(J))

Dated : 26.9.96

The applicant has filed this Review Petition seeking review of the Judgment dt. 22.7.1996. I have seen the Review Petition and I am satisfied that the Review Petition can be disposed of by circulation under Rule 17(3) of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant has sought review of the judgment stating that the calculation of the licence fee by the respondents is not valid and it is not in accordance with the Rules. Nevertheless, I do not find any such Rule brought out to my notice under which the

...2.

calculations made by the respondents is found to be not in order. The admitted facts are that the applicant retired from service on invalid pension w.e.f. 9.3.1995 and as per Rules he was allowed to continue in the quarters up to 9.7.1995. On a request made by the applicant, the Department allowed him to remain in the quarters till November, 1995. Thereafter, instead of vacating the quarters he approached the Tribunal for further retention of the quarters which was allowed by the Tribunal up to 31.3.1996 with a clear undertaking given by the applicant that he would vacate the quarters and liberty was given to the respondents to charge rent in accordance with the Rules. It is true while delivering the Judgment, the Respondents had been directed to intimate the applicant to collect the articles which were taken possession by them, if it is not handed over to the applicant so far. The Respondents are hereby directed to hand over the same within a period of one month from to day. Since the applicant did not vacate the quarters within the specified time, the respondents issued a letter dt. 19.6.1996 demanding a total sum of Rs.39,473/- which is due from the applicant towards licence fee/market rent. If the amount claimed by the respondents is not in accordance with the Rules, it is open to the applicant to make a representation to the competent authority.

giving details and referring to the relevant rules under which they are required to recover a particular amount. Nothing is made out in the Review Petition except stating that the amount demanded by the respondents is arbitrary and excessive. It is well settled principle that in Review Petition the applicant cannot re-argue the case on the same ground, unless the applicant has made out that there is an error apparent on the face of the record or any new facts brought to the notice calling for review of the original judgment. Normally Review Petition is not being entertained on a strenuous grounds. The grounds raised in the R.P. are more germane for an appeal against the Judgment and not for review. In the circumstances, I do not find any merit in the Review Petition and accordingly the Review petition is dismissed by way of circulation.


(B.S. HEGDE)
MEMBER (J)

B.
alt: 26.9.96
order 18.9.96 ...patched
to Applicant/Respondent (s)
on 8.10.96

6/10/96