

165/X/C

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

R.P. NO. 125/94

in

O.A. NO. 535/94

Smt. S.K. Sawant

...

Petitioner

v/s

The Estate Manager,  
Govt. of India Estates,  
Bombay & Others

...

Respondents

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

TRIBUNAL'S ORDER (By circulation) DATED: 21. 12. 94

(per: Hon'ble Shri B.S. Hegde, M(J)).

1. The review application has been filed by the Applicant seeking review of the judgement dated 12th September 1994 in O.A. No. 535/94.



I have seen the Review Application and I am satisfied that the review application can be disposed of by circulation under rule 17 of the CAT (Procedure) Rules 1987 and I proceed to do so.

3. The Review applicant in his review application has pointed out certain alleged errors occurred in the judgement which may be perused and reviewed. Firstly, she states that instead of disposing of her Misc. Petition No. 892/94, this Tribunal has wrongly disposed of the O.A. itself. Secondly, this Tribunal had gone on wrong footing that the only prayer made by the applicant was for regularisation of the existing Government quarters in the name of the son of the

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deceased Government servant which is incorrect. Thirdly, the contention that his department has enough accommodation at Mahim and hence the compassionate appointee should not ask for regularisation of present Government's quarters. He challenged by saying that the Respondent's quarters at Mahim are only for Subedars and officers and not for labourers to which category the Applicant's son belongs. Lastly, the alleged non-fulfilment of the condition regarding the maximum period of 12 months within which the existing accommodation can be regularised in the name of the deceased employee's son/daughter if he/she secured compassionate appointment within 12 months. In the instant case, the compassionate appointment could not be secured within the stipulated period on account of the delay on the part of the Department and on that ground denying the facility of accommodation and regularisation in the name of the son is not warranted etc.

4. It may be recalled that the Applicant in his O.A. has prayed for regularisation of the quarter in the name of her son who has been granted compassionate appointment. Though he has made a prayer that the damage rent/market rent is not to be recovered but nowhere it is stated that the Department in fact has recovered the market rent or damage rent as the case may be. Since there is no specific pleadings on the part of the Applicant that neither the damage rent/market rent has been deducted by the Respondents, it is not necessary for the Tribunal to go into that at this stage.

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5. The law is well settled, that the scope of the review application is very limited and the R.A. is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice which was not available even after exercise of due diligence or any other sufficient reason. Review Application cannot be utilised for rearguing the case traversing the same ground again.

6. A perusal of the Review Application makes it clear that none of the ingredients referred to above have been made out to warrant a review of the aforesaid judgement.

7. The contention of the Applicant that the quarter at Mahim is only for the Subedars and officers and not for labourers is not based on record and the Applicant has not furnished any documentary proof to this effect. In this connection, it is relevant to note that the written statement filed by the Respondents wherein it is clearly stated that the dependent son got the employment in India Government Mint and it is the duty of the India Government Mint to provide him with accommodation. So far as Estate Manager or Directorate of Estates is concerned, the aforesaid officer deals with general pool accommodation. The department, which is having own pool of accommodation, is not entitled to get general pool accommodation and India Government Mint is one of the few departments which are having



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their own pool of accommodation and therefore, the employees of India Government Mint are not entitled to get general pool accommodation; that being the position, it is not open to the Applicant to contend that the quarter which he is occupying should be regularised in his name.

8. In the circumstances, I am of the opinion, that neither an error on the face of the record has been pointed out nor any new facts have been brought to my notice calling the review of the judgement. Further, keeping in view of the provisions of the Order 47 Rule 4 read with section 115 of the CPC, the grounds raised in the review application are more germane for an appeal against the judgement referred to above and not review of the judgement. The review application is, therefore, dismissed.

Copy to:- 19274-9275

Mrs. S.K. Sawant,  
C/O. Mr. R.R. Dalvi, Adv.

2. The Union of India & Ors.,  
through Mr. V.S. Masurkar, Adv.

R.H. Mahantve 27.10.94  
for  
VINAY S. MASURKAR  
Govt. Counsel

Certified True Copy

Date 9/11/94

Section Officer  
Central Admn. Tribunal  
Bombay Bench

SECTION OFFICER.

ssp.

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Recd 26/11/94