

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

R.P.NO. 43/98 in OA.NO. 566/97

this the 15th day of June 1999

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

Union of India
through Estate Manager,
Govt. of India, 101, M.K.Road,
Mumbai.

By Advocate Shri V.S.Masurkar

Review Petitioners

V/S.

M.R.Raut & Anr.

By Advocate Shri S.S.Karkera

Review Respondents

O R D E R

(Per: Shri D.S.Baweja, Member (A))

This Review Application has been filed
by the respondents seeking review of ^{the} order dated
12.3.1998 in OA.NO. 566/97.

2. The Hon'ble Member who had passed the order under reference has since retired and therefore another Bench has been constituted for consideration of the Review Application. Accordingly, preliminary hearing has been held. Shri S.S.Karkera, learned counsel for the applicant and Shri V.S. Masurkar on behalf of respondents argued.

3. The Review Application has been filed about 20 days beyond the period of one month permitted for filing the review application from the date of receipt of the order. In view of the position explained, the delay is condoned.

4. As held by Hon'ble Supreme Court in catina of judgements, the power of review may be exercised on the discovery of new and important matter or evidence which after exercise of due diligence was not within the knowledge of the person seeking review or could not be produce by him at the time when the order was passed. The review may also be sought when some mistake or error apparent on the fact of the record is found. However, review is not to be sought on the ground that the decision was erroneous on merits. Review application is not to be an appeal in disguise.

5. Keeping in view the para-meters laid down by the Hon'ble Supreme Court for exercising the power of review, the grounds advanced by the respondents in the review application have been carefully gone into. The applicant has contested the review application stating that review of the order has been sought on merits and no error or mistake apparent on the fact of the record has been brought out by the respondents. The learned counsel for the applicant has also stated that the O.M. dated 1.5.1981 relied upon for seeking the review had already been produced before the Bench and the same had been considered while passing the order. After careful consideration of the averments made by the respondents in the review application, I am inclined to endorse the contention of the applicant. The respondents have sought review of the order on the plea that the same is erroneous and the various provisions of the rules have not been taken into account. It is

also noted that no error or mistake on the fact of the record has been brought out.

In view of this, the review application does not meet with the para-meters under which the review of the order can be sought. The review application therefore deserves to be dismissed as lacking any merit.

6. During the arguments, the learned counsel for the respondents made another plea and sought a direction on the same pointing out that no time limit has been laid down for implementation of the order. The counsel for the applicant brought out that there is a dispute between the two departments and the quarter to the applicant has to be allotted from the pool of the Accountant General and in the absence of any time frame given, no action has been taken by the respondents No. 3 & 4 to allot the quarter and release the quarter of the general pool at present occupied by the applicant. After going through the order dated 12.3.1998, I am not impressed by the plea made by the counsel for the respondents. In Para 7 of the order, the dispute between the two departments had already been noted. It is for the concerned departments to settle the dispute as both of them belong to Govt. of India. The Tribunal cannot arbitrate for the dispute between the two departments who are required to take action as per the rules and keeping in view the directions in the order. In view of this, the plea made by the respondents cannot be accepted and it is not considered necessary to lay down any direction with regard to time limit for allotment of quarter by Respondents No. 3 & 4.

7. In consideration of the above,
the Review Application lacks merit and the
same is dismissed accordingly. No order as
to costs.

D.S. Baweja
(D.S. BAWEJA)
MEMBER (A)

mrj.

22/4/99
Order/Judgement despatched
to Applicant/Respondent (s)
on *22/4/99*
21/4/99