

## FORM NO. 4

(See Rule 42)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

Review APPLICATION NO. 5/99  
10A216/98

OF 199

Applicant(s) *Union of India and Ors.*Respondent(s) *Sri Bal Badal Sarma and Ors.*Advocate for Applicant(s) *Mr. A. Deb Roy*  
*Er.C.G.S.C.*

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
<i>This Review Application has been filed by Mr.A. Deb Roy, Sr.C.G.S.C on behalf of the respondent.</i> <i>Review The Jagannath and order add. 12.2.98 passed by this Hon'ble Tribunal.</i>	14.5.99 .	<i>On the prayer of Mr B.C.Pathak on behalf of Mr A.Deb Roy, learned Sr. C.G.S.C the case is adjourned to 28.5.99 for admission.</i>  <i>Marked</i>
<i>Laid before Hon'ble Court for further orders</i>	28.5.99 pg	<i>No formal notice need be sent. Let this case be listed for hearing on 23.7.99.</i>
<i>Section Officer</i>	trd 5/9 31/5/99	<i>Vice-Chairman</i>

Note:- Annexure I is not  
eligible.

Notes of the Registry	Date	Order of the Tribunal
	23.7.99	On the prayer of the counsel for the parties the case is adjourned to 20.8.99 for hearing.  <i>69</i> Member
pg	20.8.99	On the prayer of the learned counsel for the parties the case is adjourned till 8.10.99.  <i>69</i> Member
nkm	8-10-99	Case is otherwise ready for hearing. List for hearing on 3.12.99.  <i>SB</i> Vice-Chairman
im	3.12.99	On the prayer of Mr. A.Ahmed, learned counsel for the opposite party the case is adjourned till 28.1.2000.  <i>SB</i> Vice-Chairman
trd	28.1.2000	On the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. the case is adjourned till 4.2.2000 for hearing.  <i>SB</i> Vice-Chairman
nkm	4.2.00	4/0. Adm to 24.3.00 <i>SB</i> <i>69</i>

Notes of the Registry	Date	Order of the Tribunal
	24.3.00	Learned counsel Mr M. Chanda, learned counsel, prays for adjournment on behalf of Mr A. Ahmed, learned counsel for the review applicant, who is unable to be present today due to his personal difficulties. Mr A. Deb Roy, learned Sr. C.G.S.C. has no objection. List on 26.4.00 for hearing.
	nkm	 Member
	26.4.00	Mr A. Deb Roy, learned Sr. C.G.S.C. is not present. Adjourned to 5.5.00 for hearing.
	nkm	 Member
	5.5.00	Learned Addl. C.G.S.C. Sri A. Deb Roy for the petitioners/respondents. Sri A. Ahmed learned counsel has entered appearance on behalf of the opposite party and prays for a direction to serve a copy of the Review Application on him. Copy is available in B part of the Records. Registry is to serve the copy of the Review Application.
<p>Copy of the application received by Mr. A. Ahmed, Advocate for the Applicant (Oppos).</p> <p>22.5.2000</p>		List it on 7.6.2000 for further order.
	trd	 Member (J)
	22.5.2000	

RA 5/99 (DA 276/98)

Notes of the Registry	Date	Order of the Tribunal
	7.6.00	<p>Present: Hon'ble Mr.D.C.Verma, Judicial Member.</p> <p>On the prayer of Mr.A.Deb Roy, Sr.C.G.S.C. case is adjourned to 4.7.00 for hearing.</p> <p><i>S</i> Member(Judicial)</p>
1m	4.7.00	<p>Present : Hon'ble Sri S.Biswas, Member(A)</p> <p>At the request of the learned coun- sel for the respondents the case is adj- ourned to 11.7.2000. Counsel for the applicant is also not present.</p> <p>List on 11.7.2000 for hearing.</p> <p><i>S-B</i> Member(A)</p>
trd	11.7.00	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Heard Mr A. Deb Roy, learned counsel for the Union of India. Give notice to the opposite party/applicant as to why the case will not be reviewed.</p> <p><i>S-O</i> Member(A)</p>
Created dtd 11/7/00 Communicated to Mr. A Deb Roy Sr.C.G.S.C & Mr. A Ahmed for information v/s D/N No <u>182981647114</u> <u>18/7/00</u> /182981840	11/7/00 13/7/00	
nkm	25.9.2000	<p>Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman</p> <p>Mr A. Deb Roy, learned Sr. C.G.S.C. prays for for an adjournment to obtain instruc- tions. Prayer allowed. List it for hearing on 1.11.00. Mr A. Ahmed, learned counsel for the opposite party is present.</p> <p><i>H</i> Vice-Chairman</p>
nkm	1-11-00	<p>No representation, List again on 2-11-00</p>

Notes of the Registry	Date	Order of the Tribunal
	2.11.00	<p>List on 3.11.00 for hearing.</p> <p style="text-align: right;">Vice-Chairman</p>
mk	3.11.00	<p>Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.</p> <p>By this Review application the review applicant has sought for review of the judgment and order dated 12.2.99 in O.A. No.276 of 98. This Tribunal directed the respondents to pay the House Rent Allowance to the applicant in conformity with O.M. order passed in O.A.No.266 of 96 and similar matters on 10.6.97 at the rate prescribed in the O.A. dated 23.9.96 w.e.f. 1.10.96 order from the actual date of appointment (whichever is later) upto 28.2.91 and at the rate as may be applicable from time to time on 1.3.91 onwards and continuing to pay the same till said notification is in force. The aforesaid order was passed by this Tribunal on Strength of the earlier judgment of the Tribunal in O.A.No.266/96 and 268/96, 18/97 and 14/97. Mr.A. Deb Roy, <del>for the petitioner</del> has submitted that the opposite party/applicants are not entitled to get the HRA. Since they are getting Non-Monetary Field Service Concession, in the form of free ration, free accommodation, and free clothing etc. In the aforesaid contention of the Mr. Deb Roy is not acceptable. The Tribunal cannot re-consider the merits of the decision. A Review is admissible only on the limited ground specified in Section 114, C.P.C. read with order 47, Rule 1. Any person considering himself aggrieved -</p> <p>(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,</p> <p>(b) by a decree or order from which no appeal is allowed or</p> <p>(c) by a decision on a reference from a Court of Small Causes,</p> <p style="text-align: right;">contd.</p>

Notes of the Registry	Date	Order of the Tribunal
16/11/2008	3.11.00	<p>and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reasons, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.</p> <p>In the facts and circumstances, there is no ground to review of the order. <del>Note</del> Accordingly, Review application is dismissed. There will be no order as to costs.</p> <p>1m</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Recd Copy  <i>[Signature]</i>    (Abd. AHMED)    Advocate</p>