

Bench

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE
REVIEW APPLICATION NO.78/2019 IN ORIGINAL APPLICATION
NO.170/00735/2018**

DATED THIS THE 04th DAY OF MARCH, 2020

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Sri V.V.Balan, Aged 87 years
S/o Late V.L.Vedarama Iyer
No.75 Mudappa Road Cross
M.S.Nagar P.O.
Bangalore – 560 033.

....Applicant

(Party-in-person)

Vs.

1. The Secretary
Department of Posts
Dak Bhavan
New Delhi-110 001.
2. The Chief Post Master General
Karnataka Circle
Bangalore-560 001.
3. The General Manager Finance
Postal Accounts
Bangalore GPO
Bangalore-560001.

....Respondents

(By Advocate Sri Vishnu Bhat)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This review application is filed by the applicant in OA.No.735/2018 seeking review of the order dated 28.6.2019 passed in OA.No.735/2018 by this Tribunal(Annexure-RA1) on the ground that the pay scales of all the staff in the cadre of ASPOs & ASRMS were revised w.e.f. 1.1.2006 and in the case of pre-2006 pensioners also it

was amended as per OM dtd.1.9.2008 read with OM 28.1.2013. As such the pension wrongly fixed by the 3rd respondent has to be revised from Rs.5500 to Rs.6500 plus Grade Pay of Rs.4600.

2. The respondents have filed reply stating that the applicant has raised the same grounds which were already raised in the OA which is dismissed by this Tribunal by issuing a detailed order and hence the RA is also liable to be dismissed.

3. The applicant filed rejoinder with the repetition of the points made in RA.

4. We have gone through the review application, reply statement and rejoinder. The points raised by the applicant in the review application have already been taken into consideration while passing the order in OA.735/2018 dtd.28.6.2019 by this Tribunal. No additional facts other than what was submitted by the review applicant in the main OA have been cited in the present review application. It is well settled position that review of an order passed by the Administrative Tribunal can be made only on the following circumstances, as enumerated by the Hon'ble Apex Court in *State of West Bengal & others v. Kamal Sengupta and another (2008) 2 SCC (L&S) 735*:

1. The power of the Tribunal to review its order/decision under Section 22(3) (f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 CPC.
2. The Tribunal can review its decision on either of the grounds enumerated in order 47 Rule 1 and not otherwise.
3. The expression "any other sufficient reason' appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
4. An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the fact of record justifying exercise of power under Section 22(3)(f).
5. An erroneous order/decision cannot be corrected in the guise of exercise of power of review.
6. A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.

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7. While considering an application for review, the tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

8. Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier.”

5. It is quite evident that no new point has been brought out by the review applicant other than what had been highlighted while considering the OA. Therefore, we hold that there is absolutely no merit in the review application and the same is liable to be dismissed.

6. Consequently, the RA stands dismissed. No costs.

(C.V.SANKAR)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the review applicant in RA.No.78/2019:

Annexure-RA1: Order dtd.28.6.2019 in OA.735/2018

Annexures with reply statement:

-NIL-

Annexures with rejoinder:

Annexure-R1: Pay scales of ASPO
