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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Review Application No.180/00042/2019

in

O.A No.180/00831/2019

Friday, this the 20th Day of December, 2019

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

1. P.Haridas, aged 68 years, S/o.Sumathy
Retired Skipper, Cochin Base of Fishery Survey
of India, Cochin, Residing at “Sreevinayaka”
Major Road, Vyttila, Cochin – 682 019
Ph.+91 9447165439
2. C.A.Gopi, aged 68 years, S/o.Late Achuthan
Retired Skipper, Cochin Base of Fishery Survey
of India, Cochin, residing at “Deepodai”
Chettiakara House, Nayarambalam
Cochin – 682 509
Ph.+91 8921062761

..... **Applicants**

(By Advocate – Mr.Shafik M.A)

V e r s u s

- 1 Union of India, represented by Secretary
Department of Animal Husbandry, Dairying
and Fisheries, Ministry of Agriculture
New Delhi , Pin 110 001
2. The Director General
Fishery Survey of India, Botawala Chambers
Sir.P.M.Road, Mumbai, Pin 400 001
3. The Zonal Director
Cochin Base of Fishery Survey of India,
Cochin – 680 002

..... **Respondents**

.2.

ORDER
(By Circulation)

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

The Review Application has been filed by the applicants in the O.A seeking a review of the order passed by this Tribunal on 21.11.2019. The relevant part of the order (Annexure RA1) states as follows :

“2. Learned counsel for the applicants submits that the applicants have submitted representations to the respondents, but they have not passed any orders on the same nor have granted the 3rd MACP benefits with effect from 1.1.2006. It is stated that the issue is squarely covered by the orders of the Hon'ble Supreme Court.

3. Respondents are directed to consider the representation filed by the applicants and take a view in accordance with law within thirty days from the date of receipt of a copy of this order. ”

3. A view was taken in the OA, after hearing the learned Counsel for the applicants, to issue a direction to the respondents to consider the representation stated to have been filed by the applicants, within 30 days from the date of receipt of a copy of the order. The order, itself, having been pronounced on 21.11.2019, we see that the 30 days period from the date of receipt of a copy of the order, is not over yet. The RA appears to have been filed anticipating rejection of the representation, well before the time limit stipulated by this Tribunal for consideration.

4. The scope for seeking a review is a narrow one. The Hon'ble Supreme Court in the case of ***State of West Bengal & others v. Kamal Sengupta and***

another (2008) 3 AISLJ 209 has held that the Tribunal can exercise the powers of a Civil Court in relation to matters enumerated in clauses (a) to (i) of subsection (3) of Section 22 of the Administrative Tribunals Act including the power of reviewing its decision. By referring to the power of a Civil Court to review its judgment/decision under Section 114 CPC read with Order 47 Rule 1 CPC, the Hon'ble Supreme Court laid down the principles subject to which the Tribunal can exercise the power of review. At para 28 of the said judgment, the Hon'ble Supreme Court culled out the principles which are:

“(i) 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.

(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.

(iii) The expression “any other sufficient reason” appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

(iv) 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 face of record justifying exercise of power under Section 22(3)(f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) 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.

(vii) 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.

(viii) 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.”

.4.

5. In the present case, the circumstances do not justify a review of the order issued. We had directed the respondents to consider the representation filed by the applicants, in accordance with law and granted 30 days time from the date of receipt of a copy of the order, to comply with the direction. As the order was pronounced on 21.11.2019 and the RA filed on 10th December, 2019, it is apparent that even the time limit prescribed by the Tribunal has not been exhausted. Under the circumstances, it is seen that for a review of the order, none of the circumstances mentioned in the judgment of the Hon'ble Apex Court quoted above are applicable in this case. There is no error apparent on the face of the record to allow a review of decision already taken. Facts being so, RA is rejected.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in R.A.No.180/00042/2019 in O.A.No.831/2019

1. Annexure RA-1 – True copy of the order dated 21.11.2019 of this Hon'ble Tribunal in O.A. No.180/831/2019.
 2. Annexure RA-2 - True copy of the letter F.No.A-26017/166/2018-Ad.IIA dated 9.1.2019 issued by the Central Board of Excise and Customs.
 3. Annexure RA-3 - True copy of the OM No.35034/3/2015-Estt.(D) dated 22.10.2019 issued by the Department of Personnel & Training) Ministry of Personnel, Public Grievances and Pensions.
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