

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Review Application No.040/00011/2019
(In OA No.040/00252/2019)

Date of order: This the 29th day of May, 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



1. Union of India
 [Through the Secretary
 To the Govt. of India
 Department of Posts, Dak Bhawan
 New Delhi – 110001].
2. The Chief Post Master General
 North East Circle, Shillong – 793001.
3. The Director Postal Services
 Arunachal Pradesh Postal Division
 Itanagar – 791111.

... Review Petitioners

By Advocate: Sri V.K. Bhatra, Sr. CGSC

-Versus-

1. Shri Rajendra Pandit
 S/o Late Fudena Pandit
 Postal Assistant
 Itanagar Head Post Office
 Pin – 791111
 District – Papumpare
 State – Arunachal Pradesh.

...Opposite Party/Applicant

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):-

By present Review Application, petitioners seek review of order dated 06.08.2019 passed in O.A. No.040/00252/2019.

2. This Tribunal, vide order dated 06.08.2019 passed the following order in O.A. No. 040/00252/2019:



“15. Accordingly, without issuing notice to the respondents, I direct the Respondent No. 2 & 3 to consider application of the applicant under Rule 38 of P&T Manual Vol.V in the light of the letter dated 21.12.2018 as expeditiously as possible but not later than 2 months from the date of receipt of this order.

16. In my view, if the matter is not disposed of by this Court, the applicant may suffer as the competent authority has already observed that there are lots of surplus PA in the A.P. Division.”

3. We have carefully perused RA and the order sought to be reviewed.

4. Order XLVII, Rule 1, Code of Civil Procedure provides the grounds on which such a prayer for review can be entertained, namely, (i) discovery of new and important matter or evidence which after exercise of due diligence was not within his knowledge or could not be produced by him; (ii) some mistake or error apparent

on the face of the record; and (iii) any other sufficient reasons.

5. The law relating to review is well settled as succinctly summarized by the Hon'ble Supreme Court in State of West Bengal and others vs. Kamal Sengupta and another, (2008) 2 SCC (L&S) 735, para 35 of which reads thus:-



"35. The principles which can be culled out from the above-noted judgments 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 CPC.
- (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."

6. On examination of the matter, we are of the view that the Review Applicants, in this RA, have failed to project any ground which falls under Order XLVII, Rule 1, Code of Civil Procedure. In our considered view the Review Application is not maintainable. Accordingly, Review Application stands dismissed.

7. There shall be no order as to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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