

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Review Application No.021/004/2020

In

Original Application No.21/773/2018



Hyderabad, this the 12th day of March, 2020

Hon'ble Mr. Ashish Kalia, Member (Judl.)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

R.F. Roberts, S/o W.Roberts, age 57 Group C
Chief Commercial Inspector S.C.Rly.
Plot No.86, RBI Colony, Bhoodevi Nagar
Alwal, Secunderabad – 500 015.

.... Applicant(s)

(By Advocate: Mr. P. Ramachander Rao)

Vs.

1. Union of India,
South Central Railway
Rep. by its General Manager
3rd Floor, Rail Nilayam
Secunderabad – 500 071.
2. Senior Divisional Personnel Officer
Secunderabad Division, S.C.Railway
IV Floor, Sanchalan Bhavan
Secunderabad – 500 071.
3. Senior Divisional Commercial Manager
Secunderabad Division, S.C.Railway
Ist Floor, Sanchalan Bhavan
Secunderabad – 500 071. ... Respondent(s)

(By Advocate: Mrs. Vijaya Sagi, SC for Railways)

ORDER (IN CIRCULATION)
{As per B.V. Sudhakar, Member (Admn.)}

2. The RA is filed seeking review of the judgment delivered by this Tribunal in OA 021/00773/2018, dt. 24.01.2020. The operative portion of the order is as under:



“7 (IV) Further, on a representation made by the applicant, even in the year 2018, after a lapse of 13 years, the respondents, on making a detailed examination of his case from the facts available with them, passed the impugned order and further he has been granted 2nd and 3rd financial upgradations under MACP Scheme, and paid the arrears, after re-fixing his pay and also paid the arrears as sought in the relief VIII(b) of the OA. Therefore, the OA is devoid of merit and accordingly the same is dismissed with no order as to costs.”

3. As no hearing is considered necessary, the Review Application is being disposed under circulation as per Rule 17(3) of the C.A.T. (Procedure) Rules.

4. The Tribunal, after considering all the pleadings on record and the arguments put forth by both sides, has come to the conclusion in the OA as cited supra. There is no error apparent on the face of the record in the order passed in OA. The contentions raised in the RA do not call for any further intervention by this Tribunal. Thus, this Tribunal does not find any grounds to review the judgment.

5. Further, a plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. [Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi, (1980) 2 SCC 167]. Further, Hon’ble Apex Court in the case of State of W.B. vs Kamal Sengupta (2008) 8 SCC 612 has held as under:-

“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 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.”



6. In view of the above observations and the law laid down by the Hon'ble Supreme Court (*supra*), this Tribunal does not find any reason to review the order passed in OA. RA is accordingly dismissed, in circulation. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER (JUDL.)

/evr/