

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

**Review Application No.021/0036/2019
In
Original Application No.21/625/2018**



Hyderabad, this the 19th day of December, 2019

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

S. Sukanyamma, W/o. late J. Koteswara Reddy,
Aged about 49 years, Working as a Casual Labour,
At Sangameswara Temple, Alampur,
Jogulamba Gadwal District, Telangana State.

...Applicant

(By Advocate: Mr. Ch. Ravinder)

AND

1. The Union of India,
Ministry of Culture,
New Delhi, Rep. by Secretary.
2. The Archaeological Survey of India,
Janpath, New Delhi – 110011,
Rep. by its Director General.
3. The Superintending Archaeologist,
Archaeological Survey of India,
Hyderabad Circle, Kendriya Sadan,
3rd Floor, 2nd Block, Sultan Bazar,
Hyderabad – 500 095.

... Respondents

(By Advocate: Mr. A. Surender Reddy, Addl. CGSC)

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 021/00625/2018, dt. 19.07.2019. The operative portion of the order is as under:



"7(I) Applicant has been engaged on daily wage basis due to the untimely death of her husband, purely on humanitarian grounds. She is being paid daily wages for the number of days worked based on measurement book and daily attendance register. Her engagement is contingent upon the work being available. As seen from the records, she has not been appointed by following due procedure. Applicant claimed that similarly situated persons were paid minimum wages but no details were furnished. Thus, it is clear that the applicant on being engaged as a daily wager is paid as per the standard schedule of rates prescribed by the State and Central Govt. respectively. Hence, she does not come under the ambit of OMs namely 7.6.1988, 25.7.2016 & 26.12.2016 referred to above, which deal with the issue of minimum wages. Equal pay for equal work is based on many factors namely the responsibility shouldered, nature of work, mode of recruitment etc. Therefore, applicant being a daily wager she cannot compare herself with regular employees and seek benefits on par with them.

(II) Thus, based on the aforesaid facts, there is no scope to intervene on behalf of the applicant to provide the relief sought. Respondents have acted as per rules. Therefore, the OA is devoid of merit and hence 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 advanced by both sides, has come to the conclusion in the OA as cited supra. The contentions raised in the RA do not call for any further intervention by this Tribunal. There is no error apparent on the face of the record in the order passed in OA. 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.)

/evr/