

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Review Application No. 180/00005/2020
in
Original Application No. 180/00903/2019

Wednesday, this the 29th day of July, 2020

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

M.P. Chothy, aged 70 years, S/o. Kalamban Painkan,
 Retired Deputy Director, Employees' State Insurance Corporation,
 Ahmedabad, Macherikkudy House, Pattal-Pankulam Road,
 Perumbavoor Village, Iringole PO, Pin-683 548.

**Review
Applicant**

(Party in person)

V e r s u s

1. Deputy Director (Finance), Sub-Regional Office,
 Employees' State Insurance Corporation, Malu's Complex,
 St. Francis Church Road, Kaloor PO, Pin – 682 017.
2. Director General, Employees' State Insurance Corporation,
 Panch Deep Bhavan, CIG Marg, New Delhi – 110 002.
3. The Secretary to Govt. of India, Ministry of Labour,
 New Delhi – 110 001.
4. The Secretary to Govt. of India, Ministry of Personnel,
 PG & Pensions, Department of Pension and Pensioners'
 Welfare, New Delhi – 110 001. **Respondents**

O R D E R (In circulation)

By Hon'ble Mr. Ashish Kalia, Judicial Member-

This review application is filed by the applicant in the OA. The OA was filed by the applicant challenging Annexure A-7 therein whereby his case for revision of pension as per the Government of India OM dated 28.1.2013 was considered.

2. This Tribunal after hearing the counsel appearing for the parties and perusing the records disposed of the OA as under:

“2. After considering the reply statement filed by the respondent No. 1 & 2 as also the pleadings in this case, this Tribunal is of the view that interest of justice would be met if a direction is given to the Respondent No. 2 to consider and dispose of Annexure A8 dated 31.7.2019 under intimation to the applicant within a period of 30 days from the date of receipt of a copy of this order.”

3. The apex court in *State of West Bengal & Ors. v. Kamal Sengupta & Anr.* - 2008 (2) SCC 735 has enumerated the principles to be followed by the Administrative Tribunals when it exercises the power of review of its own orders under Section 22(3)(f) of the Administrative Tribunals Act, 1985.

They 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 a 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. By the present Review Application the case put forth by the review applicant is for re-consideration of the factual circumstance of the case which is not envisaged in the principles for review of the order as enumerated by the apex court in the aforecited dictum. In short, the review applicant seek a re-hearing of the case which is not contemplated under the power of review envisaged under Section 22(3)(f) of the Administrative Tribunals Act, 1985. Further no error apparent on the face of the record could be established by the review applicants.

5. In the light of the above decision and in view of the facts and circumstances of this case, this Tribunal do not find any error apparent on the face of the record which would warrant review of Annexure RA1 order. Accordingly, the RA is dismissed.

**(ASHISH KALIA)
JUDICIAL MEMBER**

“SA”

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REVIEW APPLICANT'S ANNEXURE

Annexure RA1 - True copy of order dt. 19.3.2020 on OA No. 903/2019.

Annexure RA2 - True copy of the OM dt. 28.1.2013.

Annexure RA3 - True copy of Govt. Resolution dt. 29.8.2008.

RESPONDENTS' ANNEXURES

Nil

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