

## CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Review Application No. 040/00008/2020  
(In OA No. 040/00120/2020)

Date of order: This the 03<sup>rd</sup> day of February, 2021

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

Sri Hiranya Talukdar  
Aged about 33 years  
Son of Late Ambarish Talukdar  
Ward No. 5, Vill – Muguria  
P.O. – Muguria, via – Pathsala  
Dist – Barpeta (Assam), Pin – 781325.



**...Review Petitioner**

By Advocate:      Sri G. Goswami

-Versus-

- 1    The Union of India  
     Represented by the Secretary  
     To the Govt. of India  
     Ministry of Communication & IT  
     Department of Posts, Dak Bhawan  
     New Delhi – 110001.
2.   The Director of Postal Service (HQ)  
     Office of the Chief Postmaster General  
     Assam Circle, Guwahati – 781008, Assam.
3.   The Superintendent of Post Offices  
     Barpeta-Nalbari Division  
     Nalbari, 781335, Assam.
4.   The Postmaster, Barpeta  
     Barpeta HQ, Barpeta – 781301.

**...Opposite parties**

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**ORDER (IN CIRCULATION)****NEKKHOMANG NEIHSIAL, MEMBER (A):-**

The Original Application No. 040/00120/2020 was decided on 12.06.2020 dismissing the same as the learned counsel for the applicant was not able to articulate clearly the grievance of the applicant whether it was relating to his transfer order to the new place of posting or non-payment of advance TA/DA.



2. An M.A. No. 040/00054/2020 was filed on 07.09.2020. While the said M.A. was dismissed, the learned counsel for the applicant was permitted to file Review Application. The Review Application was filed on 08.09.2020 immediately the day after the M.A. was taken up and an order passed thereon. Since the applicant has been allowed specifically to file Review Application vide order dated 07.09.2020 and the same has been filed on 08.09.2020, this Review Application is considered not time barred.

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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.

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(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 Applicant, 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

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Review Application is not maintainable. Accordingly,  
Review Application stands dismissed.

7. There shall be no order as to costs.



**PB**

**(NEKKHOMANG NEIHSIAL)  
MEMBER (A)**

**(MANJULA DAS)  
MEMBER (J)**

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