

## CENTRAL ADMINISTRATIVE TRIBUNAL

## CHENNAI BENCH

RA/310/18/2019 in OA/310/01500/2014Dated , the 22<sup>nd</sup> day of March, 2021

## PRESENT

Hon'ble Mr.S.N. Terdal, Member(J)

Hon'ble Mr.T.Jacob, Member(A)

## BETWEEN

1. Puducherry PWD MTS Association,  
Rep. By the President  
D. Mourali @ Stalin  
No.8. 4<sup>th</sup> Corss Street, Kennedy Nagar,  
Pondicherry- 605 001;

2. M. Sathick Basha,  
Plot No.88, 3<sup>rd</sup> Cross Street.  
Anandham Nagar. Ariankuppam,  
Pondicherry-605 007.

(By Advocate M/s TVJ Associates)

.....Applicants/3<sup>rd</sup> Party

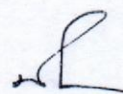
## AND

1. Penupothu Seetarama Raju,  
S/o. Surya Narayana,  
Age 38 years;


2. Mandapati Sreenivasa Rao,  
S/o. Peddabbai,  
Age 38 years;

3. Rayudu Arijuna Rao,  
S/o. Venkata Reddy,  
Aged 38 years;

4. Grandhi Krishna Sudhakar,  
S/o. Narayana,  
Age 38 years;





5. Ramisetty S rinu Babu,  
S/o. Satyanarayana,  
Age 38 years;
  6. Gubbala Nukaya,  
S/o. Maridayya,  
Age 38 years;
  7. T.V.V.Naga Sreenivasa,  
S/o. Satyanarayana,  
Age 38 years;
  8. Bokka Venkat Durga Babu,  
S/o. Nageswara Rao,  
Age 38 years;
  9. Polapala Srinivasa Rao,  
S/o. Posiyya,  
Aged 38 years;
  10. Reyya Taliath Joseph,  
S/o. Paul Joseph,  
Age 37 years;
  11. Salagrama Sri'Rama Murthy,  
S/o. Chintamani,  
Age 37 years;
  12. Voleti Srinivasa Varma,  
S/o. Verreyya  
Age 37 years;
  13. Yesenepalli Ramudu  
S/o. Tata Rao  
Age 37 years;
  14. Suriseti Babiji,  
S/o. Dhana Rama Rao,  
Age 37 years;
  15. Pesingi Edukondala Venkata Ramana,  
S/o. Adi Narayana,  
Age 37 years;
  16. Mallidi Sreenivasa,  
S/o. Posiyya,  
Age 37 years;
- 



17. Naidu Srinivasa Raja,  
S/o. Venkateswara Rao,  
Age 37 years;
18. Kalluri Murali Krishna,  
S/o. Ammiraju,  
Age 37 years;
19. Ganti Uma Simhachelam,  
S/o. Viswanadaraao,  
Age 37 years;
20. Kona Ramachandra Rao,  
S/o. Venkataratnam,  
Age 37 years;
21. Kamadi Sreenivas,  
S/o. Satyanarayana,  
Age 37 years;
22. Puvvala Ramesh,  
S/o. Narayanan,  
Age 37 years,
23. Kotnala Vijaya Kumar,  
S/o. Narayana,  
Age 37 years,
24. Mohamed A.K. Ahmad Vali,  
S/o. M.A. Shariff,  
Age 36 years,
25. Boodu Srinivasa Rao,  
S/o. Someswara Rao,  
Age 36 years;
26. Kaki Srinivasulu,  
S/o. Venkateswarlu,  
Age 36 years;
27. Vanamadi Veeraraju,  
S/o. Matayya,  
Age 36 years;
28. Sonna Esubabu,  
S/o. Swamy,  
Age 36 years;



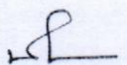


29. Oleti Ravi Kanth,  
S/o. Venkateswarlu,  
Age 36 years;
30. Nalla Satya Murthy,  
S/o. Buli Venkanna,  
Age 36 years;
31. Korukonda Chandra Rao,  
S/o. Satyanarayana,  
Age 36 years;
32. Pulugu Sreenivasu;  
S/o. Pallayya,  
Age 36 years;
33. Surampudi Jogi Sreenivas,  
S/o. Achuta Rao,  
Age 36 years;
34. Masagiri Govindarajulu,  
S/o. Narasimhulu,  
Age 36 years;
35. Illingi Perraju,  
S/o. Venkanna,  
Age 36 years;
36. Surlmilli Veera babu,  
S/o. Venkateswarlu,  
Age 35 years;
37. Kanakala V.V.S.Narayana,  
S/o. Manikyalu,  
Age 35 years;
38. Palepu Dharma Hari Prasad,  
S/o. Jagan Mohanrao,  
Age 35 years;
39. Draksharapu Satyanarayana,  
S/o. Narasimha Murthy,  
Age 35 years;
40. Magapur Satya Sesha Giri Rao,  
S/o. Satyanarayanan,  
Age 35 years;





41. Ari Appa Rao,  
S/o. Nooka Raju,  
Age 35 years;
42. Mattaparthi Masenu,  
S/o. Satyanarayanan,  
Age 35 years;
43. Penupothu Venkata Tata Rao,  
S/o. Nagalu,  
Age 35 years;
44. Koppadi Sreenivasu,  
S/o. Satti Raju,  
Age 35 years;
45. Kunche Vidya Sagar,  
S/o. Ganapathy,  
Age 35 years;
46. Pampana Venkata Ravi Kumar,  
S/o. Suryaprakasa Rao,  
Age 34 years;
47. Polimari Sudhakar,  
S/o. Tata Rao,  
Age 34 years;
48. Sontenam Viswanadham,  
S/o. Somaraju,  
Age 34 years;
49. Dadala Arjuna Rao,  
S/o. Meerasahed,  
Age 34 years;
50. Molagajjela Anantaram,  
S/o. Ananda Rao  
Age 34 years;
51. Sheik M. Karim Pasha,  
S/o. Arwar Pa'sha,  
Age 34 years;
52. Karri Gopi Krishna,  
S/o. Kannayya,  
Age 34 years;



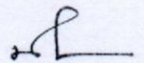


53. Koppada Nagamanendra Rao,  
S/o. Venkateswar Rao,  
Age 34 years;
54. Degala Siva Rama Krishna,  
S/o. Tata Rao,  
Age 34 years;
55. Kodavati Veera babu,  
S/o. Ramu,  
Age 34 years;
56. Vaddi Vijaya Bhaskara Rao,  
S/o. Subbarao,  
Age 33 years;
57. Kolli Rama Krishna,  
S/o. Nageswara Rao,  
Age 33 years;
58. Jasti Raja Ramesh,  
S/o. Venkata Rao,  
Age 33 years;
59. Surampudi Karunakara Dayanidhi,  
S/o. Veerraju,  
Age 33 years;
60. Ratcha Gopala Krishna,  
S/o. Sree Ramulu,  
Age 33 years;
61. Poliseti Satti Raju,  
S/o. Satyanandam,  
Age 33 years;
62. Chikkala Ganesh,  
S/o. Narayana Murthy,  
Age 32 years;
63. Murrey Prasadu,  
S/o. Surya Raw,  
Age 32 years;



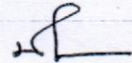


64. Dommeti Venkateswara Rao,  
S/o. Bheema Raju,  
Age 32 years;
65. Talluri Venkata Ramana Kumar,  
S/o. Subrahmanyam,  
Age 32 years;
66. Koppanathi Satyanarayana,  
S/o. Nageswara Rao,  
Age 32 years;
67. Ch.V.V.Kali Sarma,  
S/o. Durga Prasad,  
Age 32 years;
68. Pentapali Subrahmanyam,  
S/o. Suryanarayana,  
Age 32 years;
69. Malladi Narayana Rao,  
S/o. Suryanarayana,  
Age 32 years;
70. Gidla Veera Babu,  
S/o. Bhairava Murthy,  
Age 32 years;
71. Pesingi Ram babu,  
S/o. Meerayya,  
Age 32 years;
72. Kaneedi Durga Prasad,  
S/o. Appa Rao  
Age 32 years;
73. Malladi Govindarajulu,  
S/o. Gangaraju,  
Age 32 years;
74. Sangadi Lokesh,  
S/o. Bhirava Murthy,  
Age 32 years;
75. Elipey Venkata Rao,  
S/o. Raj Kumar,  
Age 32 years;



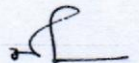


76. Nagabattula B.V.Sudhir,  
S/o. Satyanarayana,  
Age 32 years;
77. Penupothu Rainbabu,  
S/o. Narsimha Murthy,  
Age 32 years;
78. Kadali Krishna,  
S/o. Venkateswara Rao,  
Age 31 years;
79. Reyya Prasanna Raju,  
S/o. China Surayya,  
Age 31 years;
80. Mahadeva Nuka Raju,  
S/o. Nageswara Rao,  
Age 31 years;
81. Kalla Venkata Rama Prasad,  
S/o. Suranna,  
Age 31 years;
82. Potabattula Adinarayana,  
S/o. Veerraju,  
Age 31 years;
83. Kadali Uma Vishnu,  
S/o. Subbarao,  
Age 31 years;
84. Dangeti Sreenu,  
S/o. Nageswara Rao,  
Age 31 years;
85. Dhulipudi Muralidhar,  
S/o. Nageswara Rao,  
Age 31 years;
86. Karri Uma Satya Narasimha Siva Kumar,  
S/o. Lova Raju,  
Age 31 years;
87. Doddi Veera Venkata Nooka Rama Subrahmanyam,  
S/o. Veera Venkata Nookaraju,  
Age 31 years;



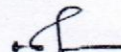


88. Kokkilligadda Venkanna babu,  
S/o. Arjunudu,  
Age 31 years;
89. Olety Venkateswara Rao,  
S/o. Ramachandra Murthy,  
Age 31 years;
90. Puvvala Venu,  
S/o. Babu Rao,  
Age 31 years;
91. Malladi Vigneswarudu,  
S/o. Venkateswarlu,  
Age 31 years;
92. Pesingi Satti Raju,  
S/o. Ganga Raju,  
Age 31 years;
93. Koppanathi Nagamanendra Rao,  
S/o. Venkatarao,  
Age 31 years;
94. Malladi Rama Krishna,  
S/o. Tatarao,  
Age 31 years;
95. Nati Srinivasu,  
S/o. Venkata raju,  
Age 31 years;
96. Nune Narasimhulu,  
S/o. Govindu,  
Age 31 years;
97. Ginjala Buchi Babu,  
S/o. Appa Rao,  
Age 30 years;
98. Matcha Govinda Rajulu,  
S/o. Lakshmana Swamy,  
Age 30 years;
99. Allampalli Hari Prasad,  
S/o. Subbarao;  
Age 30 years;





100. Karri Surya Chandram,  
S/o. Suryanarayana Rao,  
Age 30 years;
101. Palapala Raju,  
S/o. Eswara Rao,  
Age 30 years;
102. Kollu Veera Venkata Satyanarayana,  
S/o. Veerraju,  
Age 29 years;
103. Karri Hari Krishna,  
S/o. Yesubabu,  
Age 29 years;
104. Mattaparthi Sreenivasa Rao,  
S/o. Veerraju,  
Age 29 years;
105. Kaki Srinivas,  
S/o. Bhushanam,  
Age 28 years;
106. Pampana Nooka Raju,  
S/o. Bheemudu,  
Age 28 years;
107. Kola Param Jyothi,  
S/o. Dharmarao,  
Age 28 years;
108. M.V.V.Satyanarayana,  
S/o. Apparao,  
Age 28 years;
109. Adadadi Sathish,  
S/o. Veerraju,  
Age 28 years;
110. DanguDubiyam Swami Naidu,  
S/o. Satyanarayana,  
Age 28 years;
111. Malladi Srinivasa Rao,  
S/o. Eswara Rao,  
Age 28 years;

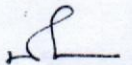




112. Surimilli Ravi Babu,  
S/o. Subbarao,  
Age 28 years;
113. Karri Rama Bhadri Rao,  
S/o. Apparao, Age 27 years;
114. Aradadi Padma Rambabu,  
s/o. Satyanarayana,  
Age 27 years;
115. Palepu Veera Babu,  
S/o. Prasad,  
Age 27 years;
116. Sangadi Srinivasu,  
S/o. Ramaswamy,  
Age 26 years;
117. Mudunuri Murali Krishna Varma,  
S/o. Satyanarayana Raju,  
Age 26 years;
118. Sangadi Anjaneyulu,  
S/o. Raju,  
Age 26 years;
119. Bunga Ayyappa,  
S/o. Balarama Murthy,  
Age 26 years;
120. Gorrela Verra Babu,  
S/o. Venkanna,  
Age 25 years;
121. Malladi Nooka Raju,  
S/o. Gangadhara Rao,  
Age 25 years;
122. Pantadi Pochayya,  
S/o. Venkataswami,  
Age 25 years;
123. Ponnadi Rama Krishna,  
S/o. Kamaraju,  
Age 23 years.

(Full Time Casual Workers,  
Public Works Department, Yanam)

..... Respondents 1 to 123/Applicants





124. Union of India,  
Rep. by Chief Secretary to Government,  
Personnel & Administrative Reforms  
(Personnel Wing)  
Department, Government of Puducherry,  
Puducherry;
125. The Joint Secretary to Government (Works),  
Government of Puducherry, Chief Secretariat (Works),  
Puducherry;
126. The Secretary to Government,  
Government of Puducherry, Local Administration &  
Public Works Department, (Public Works Wing),  
Secretariat, Puducherry;
127. The Chief Engineer,  
Public Works Department,  
Puducherry;
128. The Engineering Assistant to  
Chief Engineer, Public Works Department,  
Puducherry;
129. The Executive Engineer,  
Public Works Department,  
Yanam.

..... Respondents 124 to 129/Respondents

(By Advocates: M/s. Ravi for Respondents 1 to 123  
Mr. R. Syed Mustafa For R 124 to 129)

*Devil*  
30/3/2021  
*for M. Ravi*  
31/3/21



**ORDER**  
**( Pronounced by Hon'ble Mr.T.Jacob, Member(A))**

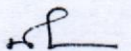
This R.A. has been filed by the applicants who belonged to Puducherry region seeking to review the common order passed in O.A.310/134/2012, O.A.310/1500/2014 and O.A.310/366/2015 dated 12.2.2019 on the ground that without impleading them in the O.A.310/1500/2014, their seniority was quashed and set aside by this Tribunal by the aforesmentioned order. Since the RA applicants were not impleaded, a few important arguments, documents and records could not be submitted and are being submitted through this R.A to explain some of the major and important illegalities and procedural infirmities for review and reconsideration of the order.

2. It is the case of the review applicants that when the applicants in the OA challenged the seniority list, not even a single person in the other three regions (out of total four regions of Union Territory of Puducherry) were impleaded as party respondents though it was patent that their rights will be affected if the prayer in the OA was to be granted.

3. The following are the grounds in nutshell:-

i) The only ground argued before the Tribunal was that the action of the official respondents in preparing region wise list was contrary to the judgment of the Hon'ble Supreme Court reported in (1997) 1 SCC 60 in the case of *Radhey Shyam Singh & Ors.s v. Union of India*, but the said judgment is not at all applicable.

ii) Further, the Tribunal, without hearing the persons who will be affected, has





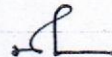
disposed off the application, which directly affects petitioners' rights. On this ground also, the order in OA requires reconsideration;

iii) For upto Group 'D' post, the Govt. is following region wise reservation/allocation. In the case of casual labourers for common categories under DP & AR, region wise seniority list was prepared which was not interfered with by the High Court.

4. The applicants in the Original Application filed their counter to the Review Application. The official respondents also filed reply to the Review Application. The R.A. applicants also filed counter affidavit in response to the replies filed by the respective respondents.

5. We have heard learned counsel for the R.A. applicants, respondents/original applicants and official respondents/respondents and gone through the R.A. replies filed by the respective respondents and its annexures.

6. Learned counsel for the RA applicants submitted that right of review is available to the aggrieved person on restricted ground mentioned in Order 47 of the Code of Civil Procedure if filed within the period of limitation. In support of his contention, he has relied on the decision of the Hon'ble Supreme Court in the case of K. Ajit Babu & Ors. vs. UOI & Ors in Civil Appeal No. 3520 of 1991 dated 25.07.1997 and ii) Union of India vs. Nareshkumar Badrikumar Jagad & Ors. Review Petition (C) D. No. 40966 of 2013 in Civil Appeal No. 7448 of 2011 with M.A. No. 2714 of 2018 in Civil Appeal No. 7448 of 2011 and C.P.(C) No. 550 of





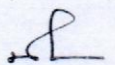
2014 in Civil Appeal No. 7448 of 2011 dated 28.11.2018. Learned counsel for the RA applicants further argued that in view of the above averments made and looking into the interest of the R.A. applicants, R.A. survives for hearing on maintainability.

7. Learned Counsel for the official respondents objected to the maintainability of the R.A. mainly on the ground that the RA applicants are not parties in the O.A. It is further submitted that in seniority matters, where policy is involved, impleadment of parties are not required as per the decision of the Hon'ble Supreme Court.

8. Learned counsel for the original applicants in the O.A. objected to the maintainability of the R.A. and submitted that the Review applicants have not only failed to establish any 'error apparent on record' in the well considered judgment but also had failed to establish their locus standi or any cause of action to prefer the Review Application. The judgment also has provided an opportunity for objections regarding placement in the list and, as such, it is not at all open to the Review Applicants to stall the implementation of the judgment.

9. The following questions would arise at this juncture:-

a) Whether the Review Application is maintainable? b) Whether the ground for review could also encompass other than those as contained in Order 47, Rule 1 read with Sec. 22(3)(f) of the A.T. Act, 1985 since the review applicants are not parties in the original O.A.? (c) Whether the grounds are sufficient to meet the requirement as per the provisions of Order 47, Rule 1 read with Sec. 22(3)(f) of the A.T. Act, 1985?



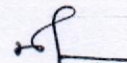


10. Order 47, Rule 1 specifies as under:- "1. Application for review of judgment.---

(1) Any person considering himself aggrieved-- (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for review of judgment to the court which passed the decree or made the order."

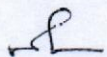
11. And, Section 22(3) (f) of the A.T. Act reads as under:- " 22(3) A Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely ,--- (a) to (e) \* \* \* (f) reviewing its decisions: (g) to (i) \* \* \*"

12. The Apex Court has, in the following cases held that the provisions of Section 22(3) (f) of the A.T. Act is akin to order 47, Rule 1:- (a) K. Ajit Babu v. Union of India (1997) 6 SCC 473, often in service matters the judgements rendered either by the Tribunal or by the Court also affect other persons, who are not parties to the cases. It may help one class of employees and at the same time adversely affect





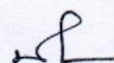
③ another class of employees. In such circumstances the judgments of the courts or the tribunals may not be strictly judgments in personam affecting the only the parties to the cases, they would be judgments in rem. In such a situation, the question arises: What remedy is available to such affected persons who are not parties to a case, yet the decision in such a case adversely affects their rights in the matter of their seniority. In the present case, the view taken by the Tribunal is that the only remedy available to the affected person is to file a review of the judgment which affects them and not to file a fresh application under Section 19 of the Act. Section 22(3)(f) of the Act empowers the Tribunal to review its decisions. Rule 17 of the Central Administrative Tribunal (Procedure) Rules (hereinafter referred to as "the Rules") provides that no application for review shall be entertained unless it is filed within 30 days from the date of receipt of the copy of the order sought to be reviewed. Ordinarily, right to review is available only to those who are party to a case. However, even if we give wider meaning to the expression "a person feeling aggrieved" occuing in Section 22 of the Act whether such person aggrieved can seek review by opening the whole case has to be decided by the Tribunal. The right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on a limited grounds, mentioned in Order 47 of the Code of Civil Procedure. Although strictly speaking Order 47 of the Code of Civil Procedure may not be applicable to the tribunals but the principles contained therein surely have to be extended. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision.





Besides that, the right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of the party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case for all times to come. Public policy demands that there should be an end to law suits and if the view of the Tribunal is accepted the proceedings in a case will never come to an end. A third party by filing a review may not be contended with the rectification of error apparent on the face of record but would desire to have entire decision reconsidered and get it upset as otherwise, he would continue to be aggrieved by the said order. As review is not for re-hearing of the entire matter, such a review application by a third party cannot be permitted. Thus, while tacitly indicating that no review by a third party could be filed, the remedy available is to challenge any order passed on the basis of the earlier order. Thus, the party aggrieved by an order of the Tribunal has to necessarily move a fresh OA and as stated by the Apex Court in Ajit Babu (supra),

*"Whenever an application under Section 19 of the Act is filed and the question involved in the said application stands concluded by some earlier decision of the Tribunal, the Tribunal necessarily has to take into account the judgment rendered in the earlier case, as a precedent and decide the application accordingly. The Tribunal may either agree with the view taken in the earlier judgment or it may dissent. If it dissents, then the matter can be referred to a larger Bench/Full Bench and place the matter before the Chairman for constituting a larger Bench so that there may be no conflict upon the two Benches. The larger Bench,*





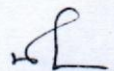
*then, has to consider the correctness of the earlier decision in disposing of the later application."*

*(b) In Gopabandhu Biswal v. Krishna Chandra Mohanty, (1998) 4 SCC 447 wherein too, an identical issue arose, "Whenever an application under Section 19 of the Act is filed and the question involved in the said application stands concluded by some earlier decision of the Tribunal, the Tribunal necessarily has to take into account the judgment rendered in the earlier case, as a precedent and decide the application accordingly. The Tribunal may either agree with the view taken in the earlier judgment or it may dissent. If it dissents, then the matter can be referred to a larger Bench/ Full Bench and place the matter before the Chairman for constituting a larger Bench so that there may be no conflict upon the two Benches. The larger Bench, then, has to consider the correctness of the earlier decision in disposing of the later application."*

13. Next is whether any other grounds in addition to those enumerated in Order 47 could be permitted in case the review is by a person not being a party to the original application? The Apex Court in the case of Northern India Caterers Ltd. vs Lt. Governor of Delhi (1980) 2 SCC 167 had held as under:-

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.

14. On the power of the Tribunal to review its own orders, the Hon'ble Supreme Court has laid down clear guidelines in its judgment in the case of **State of West Bengal & others vs. Kamal Sengupta and another** (2008 (3) AISLJ 209) stating therein that "the Tribunal can exercise powers of a Civil Court in relation to matter enumerated in clauses (a) to (i) of sub-section (3) of Section (22) of Administrative Tribunal Act including the power of reviewing its decision." At para





(28) of the judgment, the principles culled out by the Supreme Court are as under:-

“(i) The power of Tribunal to review its order/decision under Section 22(3)(j) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with order 47 Rule(1) of 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 specific grounds.

(iv) An error is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent in the fact of record justifying exercise of power under Section 22(2)(f).

(v) An error 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 a larger bench of the Tribunal or of a superior court.

(vii) A decision/order cannot be reviewed under Section





22(3)(f).

(viii) 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 the knowledge and even after the exercise of due diligence the same could not be produced before the Court/Tribunal earlier."

15. Keeping in view, the above settled position of law in respect of review under the provisions of the A.T. Act, the case of the Review Applicants has to be analysed and ruminated. The scope of review lies in a narrow compass as prescribed under order XLVII, Rule (1) of CPC.

16. None of the grounds raised in the RA brings it within the scope and purview of review. It appears that the review applicants is trying to reargue the matter afresh, as if in appeal, which is not permissible. If in the opinion of the review applicants the order passed by the Tribunal is erroneous, the remedy lies elsewhere. Under the garb of review, he cannot be allowed to





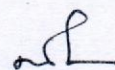
raise the same grounds, which were considered and rejected by the Tribunal while passing the order under review. Existence of an error apparent on the face of the record is sine qua non for reviewing the order. The review applicants have failed to bring out any error apparent on the face of the order under review.

17. The case of the 3<sup>rd</sup> party Review applicants does not meet the requirement to justify review of the common order in OA.134/2012, O.A. 1500/2014 and OA 366/2015 dated 12.2.2019.

18. In this case, the challenge in the OA is on the ground that the applicants are entitled to regularization benefit under the scheme published in G.O.Ms. No. 22 P&AR(PW) Department dated 27.2.2009. This is a policy matter contending that the right rule has not been followed in framing the seniority list. Thus, when the policy or wrong rule was the subject matter of the OA, telescoping the correct law or rule, if seniority is rescheduled there is no need to implead any of the persons whose seniority would be affected by following the right rule. Thus, there is less scope for review.

19. In the case of A. Janardhana v. Union of India (1983) 3 SCC 601 wherein the Apex Court has held as under:-

“ 36. xxxx xxxx relief is sought only against the Union of India and the concerned Ministry and not against any individual nor any seniority is claimed by any one individual against another particular individual and therefore, even if technically the direct recruits were not before the court, the petition is not likely to fail on that ground.”





20. Viewed from any angle, there does not lie any justification to allow the Review application as the same does not fulfill the requirement as prescribed in Kamal Sengupta (Supra).

21. For the reasons discussed in the foregoing paras, we do not find any merit in the R.A. Accordingly, the RA is dismissed.

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