

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW**

**Review Application No.332/00003/2020  
in OA No. 00035/2020**

Date of Order: 26<sup>th</sup> March, 2021

**CORAM :**

**Hon'ble Ms Jasmine Ahmed, Judicial Member**

Aditya Singh, aged about 26 years S/o Late Keshav Prasad Singh, resident of Village-Duhiyan, Post – Lalpur Tikar, Policy Station-Khorabar, District – Gorakhpur, presently residing at 569K/81, Sneh Nagar, Lucknow.

.....Applicant

By Advocate : Mr Ajay Pratap Singh.

**Versus**

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Govt. of India, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. Assistant Director (Recruitment), Office of the Chief Post Master General, U.P. Circle, Lucknow.
4. Post Master General, Gorakhpur Region, Gorakhpur.
5. Superintendent Railway Mail Services, G Mandal, Gorakhpur.

.....Respondents

**ORDER**

The present Review Application has been preferred for review of the order dated 24.01.2020 passed by this Tribunal in OA No. 332/00035/2020. The O.A. was disposed of by this Tribunal with a direction to provide the necessary documents through which the case of the applicant was reconsidered vis-a-vis other candidates who were on the same footings.

2. I have gone through the order under review as also the record of the

paragraphs 22 and 35, the Hon'ble Apex Court has categorically held as under :-

*"22. The term "mistake or error apparent" by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3)(f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision.*

*35. The principles which can be culled out from the abovenoted 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*

3. Further, the Tribunal after considering the entire aspect of the matter passed the order under review and the applicant failed to point-out anything new which warrants review of the order passed by this Tribunal on 24.1.2020. There is also no scope for review as per Order 47 Rule 1 of the CPC and according the ratio laid down by Hon'ble the Supreme Court (supra), thus, finding no error apparent on the face of record, the Review Application is dismissed by circulation.

**[Jasmine Ahmed]  
Judicial Member**

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