

Central Administrative Tribunal Lucknow Bench Lucknow

Review Application No. 30/09 in Original Application No. 632/2001

This, the 28th day of April, 2009

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Union of India through the Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi and others.

.....Applicants.

By Advocate: Sri S. Verma

Versus

Class III Staff Association and 3 others Respondents.

ORDER (Under Circulation)

By Hon'ble Dr. A. K. Mishra, Member (A)

This is an application for review of our order dated 19th March, 2009 passed in O.A.No. 632/2001.

2. The main ground taken by the applicants is that the order of the Tribunal was passed by taking into account the incorrect submissions made by the applicants. In other words, the contention of the respondents is that there was wrong appreciation of the facts and the law in the order of the Tribunal.

3. It has been submitted that the pay scales recommended by the Pay Commission prior to Vth Pay Commission had not been same for the UDCs of the Zonal Railways and the RDSO which is an attached office of the Railways. From their own submissions, it is seen that the pay scales of the UDCs recommended by the IIIrd Pay Commission was same, namely viz Rs. 330-560/-. Similarly, the pay scale recommended by the IVth Pay Commission was also the same, namely, viz. Rs.1200-2040/- Therefore, there is no error in the judgment while coming to the conclusion that an anomaly has been introduced in the pay scales between the UDCs in the Zonal Railways and the RDSO.

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4. Be that as it may, the same Tribunal cannot sit on appeal over its own judgment in a review application. The scope of review is very limited in nature. It has been lucidly explained by the Hon'ble Supreme Court in the recent case of **State of West Bengal and others Vs. Kamal Sengupta and another reported at (2008) 8 SCC 612.**

Paragraph 22 of this judgment is extracted below:-

“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.”

5. As may be seen from the judgment, even if there is an error in appreciation of facts, or law, review application is not the remedy for the applicant. They have to approach the appropriate judicial forum, in case they are still aggrieved with the orders of the Tribunal.

6. In the circumstances, Review Application is dismissed under circulation.


(Dr. A.K. Mishra) 28/04/09
Member (A)


(M. Kanthaiah)
Member (J)