

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 6/2011 in O.A. No.297/2009

This the 3rd day of September, 2011

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Hon'ble Sri S.P. Singh, Member (A)

1. Union of India through its Secretary, Department of Posts, Govt. of India, Dak Bhawan, New Delhi.
2. Director, Postal Services, Headquarters, Office of the Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Sitapur Division, Sitapur.

By Advocate: Sri G.K. Singh

Applicants

Versus

Chandrika Prasad

Respondents

ORDER (By Circulation)

By Hon'ble Sri Justice Alok Kumar Singh, Member (J)

This Review Application is directed against the order passed by this Tribunal on 25.8.2011 in O.A. No. 297/2009.

2. We have gone through the Review Application and the order passed by this Tribunal in O.A. No. 297/2009 on 25.8.2011 which is sought to be reviewed.

3. The scope of review under section 22 (3)(f) of the Administrative Tribunal Act, 1985 read with Order XLVII Rule (1) and (2) of the CPC lies in a narrow campus. A review can be made only when there is an error apparent on the face of record or on discovery of any new and important material which even after exercise of due diligence was not available with the applicant. Any erroneous decision and a decision which can be characterized as vitiated by "error apparent" has been distinguished by Hon'ble Apex Court by bench comprising three Hon'ble Judges in the case of **M/s Thungabhadra Industries Ltd.**

Vs. Govt. of Andhra Pradesh reported in AIR 1964 Supreme Court,

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1372. In this case, it was laid down that "A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. Where without any elaborate argument, one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out." **In 2002 Supreme Court Cases (L&S) 756 in the case of K.G. Derasari and Another Vs. Union of India and others**, it was observed by the Apex Court that any attempt, except to an attempt to correct an apparent error or an attempt not based on any ground set out in order 47, would amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment. The Tribunal cannot proceed to re-examine the matter as if it is Original Application before it in the light of the ratio given in **Subhash Vs. State of Maharashtra and other reported in AIR 2002 Supreme Court Cases, 2537.**

4. We have thoroughly perused the entire review application. In our opinion, no error apparent on the face of record could be indicated in the entire review application. Similarly, no discovery of any new and important material could be shown which even after exercise of due diligence was not available with the applicant. All the explanations in respect of holding delayed enquiry as mentioned in this review application have already taken care of and final observations have been made after considering each and every aspects of the matter. In some of the paragraphs of this Review Application, it has been said that certain observations made by the Tribunal are wrong. But it is needless to say that a review is by no means an appeal in

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disguise whereby an erroneous decision is reheard and corrected. It lies only for patent error which do not appear in this case. It is only where without any elaborate argument, an error can be pointed out or where there is a substantial point of law which stares one in the face and there cannot be two options entertained about that, then only a clear case of error apparent on the face of record can be said to have been made out. But in the present case, neither any such error nor any substantial point of law has been shown. Under the review jurisdiction, the scope is very limited and this Tribunal cannot travel beyond that ambit. This Tribunal cannot proceed to re-examine the matter as if it is Original application before it, as was held in the case of Subhash (supra).

5. In view of the above, the review application is rejected in circulation.

S.P.S.
30.9.11
(S.P.Singh)
Member (A)

Alok Kumar Singh
30.9.11
(Justice Alok Kumar Singh)
Member (J)

HLS/-

*copy of order
dated 30-9-11
received
07-10-2011*