

**Central Administrative Tribunal
Lucknow Bench, Lucknow.**

**RA-19/2010 in
OA-379/2008**

This, the 29th day of September, 2010.

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

Yawar Husain Vs. Union of India & Ors.

Order (By Circulation)

This Review Application has been made against the order dated 28.07.2010 in OA-379/2008. The Review Application does not explicitly enumerate the grounds on which it has been made. It states that the earlier judgment/order dated 17.11.2004 passed in OA No. 544/1997 cited by the applicant has not been taken into consideration. It further states that the earlier judgment of the Tribunal had taken into consideration the rulings of Hon'ble Supreme Court to the effect that the principle of "equal pay for equal work" should be made binding on the respondents-Government Authorities.

2. On going through the judgment/order dated 28.07.2010 I find that the facts of OA No. 544/1997 have been discussed and held as inapplicable to the facts of the present case. The judgment is a well reasoned one and the conclusion that the applicant was being paid as per his entitlement as Gramin Dak Sevak Mail Delivery Agent is not controverted. It also has concluded that the applicant

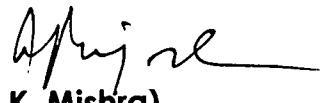


not being a casual employee with temporary status is not entitled to the salary meant for that category of Postal employees.

3. The scope of review is limited in nature. "An error apparent on the face of it" has been defined in the case of **State of West Bengal and Others Vs. Kamal Sengupta and Another**, (2008)8 SCC 612. The Hon'ble Supreme Court has in Para-22 thereof observed as under:-

"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."

4. In view of the position of law on the subject of review, I do not find any merit in this Review Application. If the applicant is aggrieved with the order, he is at liberty to take steps in the appropriate judicial forum. The Tribunal cannot treat a Review Application as an appeal and sit in judgment over its own order. The Review Application is accordingly dismissed in circulation.


(A.K. Mishra)
Member(A)

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