

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 332/00003/14 in O. A. No.186/2008

This the 13th day of January, 2014

Hon'ble Sri Navneet Kumar , Member (J)
Hon'ble Smt. Jayati Chandra, Member (A)

Om Prakash Tiwari aged about 52 years son of Sri Bhawani Bux Tewari, r/o Village and P.O. Khanpur (pure Visal Tewari) via Kuchere S.O. Faizabad PASBO, Sultanpur, HQ

Applicant

By Advocate: Sri R.S. Gupta

Versus

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi
2. Director, Postal Services (HQ) O/o Chief Post Master General, U.P., Lucknow.
3. Senior Superintendent of Post Offices, Faizabad.
4. Senior Post Master, Faizabad.
5. Superintendent of Post Offices, Sultanpur.
6. Sri K.K.Dwivedi, SBCO, Faizabad.

Respondents

ORDER (Under Circulation)

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Review Application is preferred by the applicant u/s 22(3)(f) of AT Act, 1985 for reviewing the order dated 10th December 2013 passed in O.A. No. 186 of 2008, passed by the Tribunal.

2. By means of the O.A., the applicant has prayed for quashing of the order of recovery of Rs. 60,649/- along with interest @ 18% from the date of recovery to the date of refund. In the review application, the learned counsel appearing on behalf of the applicant has pointed out that the Supplementary Affidavit filed by the applicant was not taken into consideration by the Tribunal while deciding the O.A. Apart from this, it is also pointed out by the learned counsel for the applicant that in the judgment, it is observed that O.P. No. 6 was residing in the quarter of the applicant unauthorizedly, as such an explanation was called for from the applicant. These facts were on record while the O.A. was heard finally and while deciding the O.A., all

these facts were duly considered. As such, by means of the present O.A., the applicant wants to re-agitate the issue which is not permissible under Section 22(3)(f) of the AT Act, 1985.

3. As observed by the Hon'ble Apex Court in the case of **Meera Bhanja v. Nirmala Kumari Choudhury reported in (1995) 1 SCC 170**, the Apex Court has decided the issue of review and has observed that review proceedings are not by way of an appeal and have to be strictly continued to the scope and ambit of Order 47 Rule 1 of CPC and review petition is required to be entertained only on the ground of error apparent on the face of record.

4. In the case of **Satyanarayan laxminarayan Hegde and others, Vs. Mallikarjun Bhavanappa Tirumale reported in AIR, 1960 SC 137**, the Hon'ble Apex Court has been pleased to observe as under:-

“ An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. As the above, discussion of the rival contentions show the alleged error in the present case is far from self evident and if it can be estabhshed, it has to be established, by lengthy and complicated arguments. We do not think such an error can be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ. In our opinion the High Court was wrong in thinking that the alleged error in the judgment of the Bombay Revenue Tribunal Viz., that an order for possession should not be made unless a previous notice had been given was an error apparent on the face of the record so as to be capable of being corrected by a writ of certiorari.”

5. **Inder Chand Jain(Dead) Through Lrs, Vs. Motilal (Dead) Through Lrs. Reported in (2009) 14 SCC 663**

10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.



11. Review is not appeal in disguised. J In Lily Thomas Vs. Union of India this Court held SCC P. 251, Para 56)

“56. It follows , therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise.”

6. Considering the facts of the case and law laid down by the Hon'ble Apex Court, we do not find any ground to interfere with the present review petition. Review petition lacks merit and as such it deserves to be dismissed. Accordingly, Review Petition is dismissed. No

order as to costs.

J. Chandra
(Jayati Chandra)
Member (A)

Navneet Kumar
(Navneet Kumar)
Member (J)

02
Copy of order
sent at 13-1-14
16-1-14