

**Under Circulation**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD**

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(THIS THE 01<sup>st</sup> DAY of **June, 2018**)

**HON'BLE DR. MURTAZA ALI, MEMBER (J)  
HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)**

Civil Misc. Review Application No. 330/00022/2018

Union of India and others .....Review Applicants

VERSUS

Ram Dev .....Review Respondent

**In  
Original Application No. 330/01543 / 2012.**

Ram Dev .....applicant  
**V E R S U S**

Union of India & Others. ....Respondents

**Advocate for the Review Applicants:- Shri R. K. Srivastava  
Advocate for the Review Respondent:-**

**O R D E R  
Delivered by Hon'ble Mr. Gokul Chandra Pati, Member (A)**

The instant Review Application has been filed by the Union of India to impugne the order dated 13.02.2018 passed by this Tribunal in OA No. 1543/2012 (Ram Dev Vs. UOI & Ors) on the following main grounds: -

a. If the applicant is recommended for promotion by the review DPC for the post of MTS since 2008, then, as per rules, his date of retirement on attaining the age of superannuation would be fallen on 31.12.2016. It is further stated that the applicant is still working on the post of GDS as the date of retirement of the GDS

employee is 65 years and he is being regularly paid admissible TRCA.

b. The department is ready to consider the give promotion to the applicant on the post of MTS from 2008, but the payment of TRCA to the applicant after the age of superannuation from the post of MTS i.e. 31.12.2016 is liable to be adjusted / recovered from the retirement benefit of the applicant because as per rules, the applicant is entitled only salary / benefit for the post.

2. We have carefully considered the Review Application and find that the grounds mentioned therein relate to the merits of the case and cannot be said to be new facts or there is an error apparent on the face of the order dated 13.02.2018. Under Order 47 Rule 1 of CPC, the scope for review of the order passed by this Tribunal is limited only on the grounds of (i) discovery of any new and important facts or evidence which was not within the applicant's knowledge and which could not be produced at the time of consideration of the O.A.; or (ii) some mistake or error apparent on the fact of the record; or (iii) for any other sufficient reasons. Hence, the grounds mentioned in the Review Application cannot be treated as mistakes or errors apparent on the fact of the record.

3. In the case of State Of West Bengal And Others v. Kamal Sengupta and another reported in (2008) 8 SCC 612, Hon'ble Supreme Court after taking into account almost entire case law on review, has 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.”

4. The position of law in this regard has been examined in the judgement of Hon’ble Supreme Court in the case of **Kamlesh Verma v. Mayawati And Others** reported in 2013 AIR SC 3301 with following observations:

“15. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII, Rule 1 of CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction.

#### Summary of the principles

16. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

(A). When the review will be maintainable:

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

The words “any other sufficient reason” have been interpreted in **Chhajju Ram v. Neki**, AIR 1922 PC 112 and approved by this Court in **Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasius & Ors (1955) 1 SCR 520 : (AIR 1954 SC 526)**, to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in **Union of India v. Sandur Manganese & Iron Ores Ltd & Ors. JT 2013 8 SC 275: (2013 AIR SCW 2905)**.

5. This Review Application has been filed with a delay of about two months for which an application for condonation of delay on the ground of time taken for obtaining approval of the competent

respondent authorities. However, the rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 states as under: -

“17. Application for Review : -

(1). No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

.....”

From above provision of the rules, it is clear that no condonation of delay in filing Review Application beyond thirty days from the date of receipt of copy of the order sought to be reviewed is possible under the CAT (Procedure) Rules, 1987. Further, no specific reason or justification has been furnished in the delay condonation application to justify condonation of delay in filing the Review Application.

6 . In view of the above discussions, the Civil Misc. Delay Condonation Application is dismissed. On merits also, we do not find the grounds mentioned in the Review Application to be acceptable as per provisions of law. Hence the Review Application filed with delay and being devoid of merit, is dismissed.

MEMBER (A)

MEMBER (J)

*Anand...*