

**Central Administrative Tribunal
Principal Bench
New Delhi**

RA No.140/2016
in
OA No.2267/2005

New Delhi this the 27th day of July, 2016.

Hon'ble Mr. Justice M.S. Sullar, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

R.G. Nangia,
S/o late Sh. Nounit Ram,
R/o 7/11, East Patel Nagar,
New Delhi-11008.

-Applicant

-Versus-

-Respondents

1. Kendriya Vidyalaya Sangthan,
18, Institutional Area,
Sahidjit Singh Marg,
New Delhi-110016
Through Its Deputy Commissioner (ACED).
2. Kendriya Vidyalaya Sangthan,
Delhi Region, JNU Complex,
New Mehrauli Road,
New Delhi-110067
Through its Asstt. Commissioner.

-Respondents

O R D E R (By Circulation)

Mr. K.N. Shrivastava, Member (A):

This Review Application (RA) has been filed under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 seeking review of this Tribunal's order dated 13.05.2016 in OA No.2267/2015. The review applicant states that the following

errors apparent on the face of the order, call for the order to be reviewed:

- i) The review applicant states that as per Annexure A-6 order in the OA file, he was appointed as TGT (Science) by Secretary, KVS. The post of Secretary has been re-designated as Deputy Commissioner and that of Regional Officer as Assistant Commissioner vide Annexure RJ/10 dated 11.09.1970 (page 282 of the paper-book). The Disciplinary Authority for the applicant is Deputy Commissioner and not Assistant Commissioner as has been mentioned in the order.
- ii) The review applicant joined at KV No.1, Halwara on 02.03.2000,, as evident from page 263 of the paper-book, whereas in the order under review it is mentioned as 02.03.2004.
- iii) At para-10 of the order under review, the Tribunal has observed that since the applicant was also at some fault and thus not entitled for interest. This observation was not correct, as the Tribunal has not examined the validity of the termination and transfer, and thus could not have commented on the conduct of the applicant. Even otherwise also, the payment of interest is dependent upon the devaluation of money etc.

2. From the perusal of Annexures A-2, A-3 and A-4 orders, it is seen that the competent authority indicated was indeed Assistant Commissioner, Delhi Region. Hence, we hold that there is no apparent error in the order of the Tribunal since it picks up the facts as they are mentioned in the Annexures on record.

3. The applicant has contended that he was appointed to the post of TGT (Science) by the Secretary, KVS and that the post of Secretary has been rechristened as Deputy Commissioner vide Annexure RJ/10 (page 283 of the paper-book) and has accordingly sought appropriate correction in the order. Here again, we decline to accept the request of the applicant for the reason that in his letter of appointment at Annexure A-6 of the paper-book dated 29.06.1970, the appointing authority indicated is Regional Officer, who has been re-designated as Assistant Commissioner vide Annexure RJ/10 of the paper-book.

4. To the applicant's contention that he was appointed to the post of TGT (Science) and not TGT (Maths) and thus necessary correction should be made in the Tribunal's order, suffice to say that the Tribunal's order simply refers to the designation of the applicant as mentioned at Annexures A-2, A-3 and A-4 of the paper-book and not that the Tribunal has

committed any error on its own in referring to the said designation. As such, no correction is called for in the Tribunal's order on this score. The applicant, in fact, should approach the KVS first to get the necessary corrections carried out by them in their orders at Annexures A-2, A-3 and A-4. Furthermore, the corrections sought are not going to make any material difference to the case of the applicant.

5. The applicant's contention that he joined at K.V. No.1 Halwara on 02.03.2000 and not on 02.03.2004 appears to be correct. The Registry is directed to carry out the necessary correction in the order under review.

6. The contention of the applicant regarding claim for interest cannot be entertained in review.

7. On the power of the Tribunal to review its own orders the Hon'ble Supreme Court has laid down clear guidelines in its judgment in the case of **State of West Bengal & others Vs. Kamal Sengupta and another**, [2008 (3) AISLJ 209] stating therein that "the Tribunal can exercise powers of a Civil Court in relation to matter enumerated in clauses (a) to (i) of sub-section (3) of Section (22) of Administrative Tribunal Act including the power of reviewing its decision."

At Para (28) of the judgment, the principles culled out by the Supreme Court are as under:-

“(i) The power of Tribunal to review its order/decision under Section 22(3) (f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with order 47 Rule (1) of CPC.

(ii) The Tribunal can review its decision on either of the grounds enumerated in order 47 Rule 1 and not otherwise.

(iii) The expression “any other sufficient reason” appearing in Order 47 Rule 1 has to be interpreted in the light of other specific grounds

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as a error apparent in the fact of record justifying exercise of power under Section 22(2) (f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) A decision/order cannot be reviewed under Section 22(3) (f) on the basis of subsequent decision/judgment of a coordinate or a larger bench of the Tribunal or of a superior court

(vii) A decision/order cannot be reviewed under Section 22(3)(f).

(viii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(ix) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after

the exercise of due diligence the same could not be produced before the Court/Tribunal earlier.”

8. With the above observations/directions, the RA is disposed of in circulation. No costs.

(K.N. Shrivastava)
Member (A)

(Justice M.S. Sullar)
Member (J)

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