

**Central Administrative Tribunal
Principal Bench**

RA No.203/2017

In

OA No.459/2016

New Delhi this the 23rd day of October, 2017.

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Gurpreet Singh age: 30 years
S/o Shri Ishwar Singh
Technician 'A' NTRO ID 0851
Centre for Communication Application (CCA)
CEI Division, National Technical Research Org.
Chankya Bhawan,
New Delhi-110021.
R/o M-41, Shyam Park,
Nawada, New Delhi-110059.

-Applicant

VERSUS

1. Chairman,
National Technical Research Org.
Block III Old JNU Campus
New Delhi-110067
2. Chairperson,
Woman Cell (Complaints Committee)
Block III Old JNU Campus
New Delhi-110067
3. Director (Estt.& Pers.)
National Technical Research Org.
Block III Old JNU Campus
New Delhi-110067
4. National Security Adviser,
Prime Minister's Office
South Block, Central Sectt.
New Delhi-110001.

-Respondents

O R D E R (By Circulation)

This Review Application (RA) has been filed by the applicant under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 read with Order 47, Rule 1 read with Section 114 and Section 151 of CPC, seeking review of the Tribunal's order dated 31.07.2017 in OA No.459/2016, whereby the said OA filed by the review applicant was dismissed by the Tribunal. In support of his prayer for reviewing the *ibid* order of the Tribunal, the review applicant has pleaded the following grounds:

- "i) deciding the O.A against the provisions of the Central Administrative Tribunal Rules of Practice 1993, Appendix VII.
- ii) Mislinking of Rules-14 of the CCS (CCA) Rules with that the Apex Court's judgment in the case of Medha Kotwal Lele and Ors. v. Union of India and others [(2013) 1 SCC 297].
- iii) Recording of unsubstantiated and unfounded remarks about the health of the applicant effecting the career of the applicant.
- iv) Adverse inference derives by Singal bench from the Cat's order of double bench in the matter of K.S. Meena v. Union of India & Ors., 2016 (1) SLJ 36 (CAT) is illegal and against the legal precedent practice.
- v) Violation of Principles of Natural Justice.
- vi) Failure to give exact definition of "Sexual harassment and if the allegations levels against the applicant also fall under the definition and if falls or covered under which clause.
- vii) How and to what extent the covering of the case of the applicant under the sitting of the applicant near ladies in Dwarka Bus is a case of sexual harassment of Women at Workplace and whether to take up the same is under jurisdiction of the Cat?
- viii) Conclusion of the law laid down in the impugned Judgment is arbitrary and contrary to the rules as made and circulated by the DoPT under their Circular No.11013/2/2014-Estt.(A-III) dated 16.07.2015.

ix) The reasons for deviation from the decision of a double bench in the matter of K.S. Meena vrs. UOI & others is baseless and illegal and arbitrary.

x) Order/judgment is in contradictory to Rule 14 of CCS (CCA) Rules as well as circular dated 16-07-2015.”

2. From the averments made in the RA as well as the grounds pleaded, it appears that in the garb of the RA, the review applicant, indeed, has filed an appeal against the order, which is not permissible.

3. It is settled law that *sine qua non* for review of an order is existence of an error apparent on the face of the record of the order. In the instant case the review applicant has miserably failed in pointing out any apparent error as such.

5. 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.”*

6. For the reasons discussed in the foregoing paras, I do not find any merit in the RA. Accordingly, the RA is dismissed in circulation. No costs.

(K.N. Shrivastava)
Member (A)

‘San.’