

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. No.27/2017 in
O.A. No.-4370/2015

New Delhi this the 10th day of February, 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

Suresh Kumar Azad
Aged 62 years
s/o Mr. Chatru Singh
(Ex Dy. FA&CAO/C/JAT)
G.M./ N. Railway Baroda House
New Delhi
Res:- B-605, Rail Vihar Alpha-I
Greater Noida (UP)

..Applicant

Versus

Union of India through

1. G.M. N. Railway
Hd Qrs. Office/N. Rly
Baroda House, New Delhi

2. FA&CAO/C/USBRL
FA&CAO/C/USBRL Office
N. Rly Jammu Tawi (J&K)

..Respondents

O R D E R (By Circulation)

This Review Application (RA) has been filed by the review applicant under Section 22 (3) (f) of Administrative Tribunals Act, 1985 read with Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987, praying for review of the Tribunal's order dated 21.10.2016 passed in OA No.4370/2015.

2. The grounds pleaded for review in the RA have already been considered by the Tribunal in passing the order under review. The review applicant has failed to point out any apparent error on the face of the order.

3. Needless to say that the *sine qua non* for reviewing of its order by the Tribunal is existence of any apparent error on the face of record, which is not the case in the present RA.

4. A plain reading of the RA indicates that it is in the nature of an appeal against the order under review.

5. Laying down the guidelines for review of its order by the Tribunal, the Hon'ble Supreme Court in the case of **State of West Bengal & Others vs. Kamal Sen Gupta & Another (2008) 3 AISLJ 202** held that Tribunal can review its order under eight situations as given in Para (28) of the said judgment, which read as follows:

“(i) The power of the 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 specified grounds.

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(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 larger bench of the Tribunal or of a superior Court.

(vii) 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.

(viii) 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. In the conspectus of the discussions in pre-paras, I do not find any merit in the RA. The RA is accordingly dismissed, in circulation.

(K.N. Shrivastava)
Member (A)

cc.