

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No.35/2017 in
O.A. No.-853/2015

New Delhi this the 10th day of February, 2017

Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Shri Puneet
S/o Sh. Subhash Chander
R/o C-2/284, Yamuna Vihar,
Delhi.
2. Shri Sunny Singh
S/o Sh. Mani Ram
R/o F-1/174, DDA Flats,
Sultanpuri, Delhi. -Review Applicants

Versus

1. Union of India through its Secretary,
Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi.
2. Director General,
ESI (Head Quarter),
Panchdeep Bhawan
C.I.G. Marg, New Delhi-02.
3. Medical Superintendent
E.S.I. Hospital, Jhilmil,
New Delhi.
4. Medical Superintendent
E.S.I. Hospital, Rohini,
New Delhi.
5. Director (Medical), Delhi
E.S.I. Dispensary Complex,
Tilak Vihar, New Delhi-18. -Respondents.

O R D E R (By circulation)**Mr. K.N. Shrivastava, Member (A):**

This Review Application (RA) has been filed by the review applicants under Section 22 (3)(f) of Administrative Tribunals Act, 1985, read with Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987, seeking review of this Tribunal's order dated 01.12.2016 passed in OA No.853/2015. The operative part of the order reads as under:-

“3. We find that the pay scale of Lab Assistants as per the 5th CPC was indeed Rs.3200-4900 and the replacement pay scale for the same post, as per the 6th CPC, is Rs. 5200-20200 with Grade Pay of Rs. 2000/-. As such, we do not have any doubt in mind that only this pay scale is applicable to the Lab Assistants. The applicants in the present OA had sufficient opportunity to present their case before the 6th & 7th CPCs for the redressal of their grievance but they have failed to do so. As such, the request of the applicants cannot be considered.”

2. The grounds mentioned in the RA have already been considered by the Tribunal while adjudicating the OA. The review applicants have not brought out any apparent error on the face of the order of the Tribunal.
3. The *sine qua non* for reviewing the order of the Tribunal is existence of an apparent error on the face of record. The review applicants have failed in pointing out such an apparent error in the order of the Tribunal.
4. 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 are 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.”

5. In the conspectus of the discussions in pre-paras, we do not find any merit in the RA. The RA is accordingly dismissed, in circulation.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

(R.A. No.35/2017 in
O.A. No.-853/2015)