

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA 42/2016 in
OA 3974/2014
MA 583/2016
MA 584/2016

New Delhi this the 16th day of February, 2016

Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P.K. Basu, Member (A)

Prabhakar Singh Prabhat
S/o Shri Nageshwar Prasad Singh
R/o 1/3, Chandresh Villa, Row House
Kalyan Shil Road, Lodhar Heaven
Dombivali (E), Thane, Mumbai
Maharashtra, India

... Applicant

Versus

1. The Chairman
Railway Board
Ministry of Railways
Government of India
Rail Bhawan,
New Delhi-110001
2. General Manager
Central Railways,
Chhatrapati Shivaji Terminus,
Mumbai (Maharashtra)
3. Union of India
Through the Secretary
Ministry of D.O.P.T.
New Delhi
4. Union of India
Through the Secretary,
Ministry of Railways
New Delhi

... Respondents

ORDER (In Circulation)

Mr. P.K. Basu, Member (A)

This Review Application (RA) has been filed against the order dated 27.10.2015 passed by us in OA 3974/2014. The RA simply quotes certain paragraphs of the 7th Pay Commission report and claims that the applicant is entitled to the Grade Pay of Rs.4600/- as recommended by the 6th and the 7th Pay Commissions.

2. We have examined the matter in the light of the judgment of the Hon'ble Supreme Court in **Kamlesh Verma Vs. Mayawati and others**, (2013) 8 SCC 320, where the Hon'ble Supreme Court has provided both the negative and the affirmative *lis* where a review is maintainable or not maintainable. For the sake of clarity, we extract the relevant portion as under:

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

20.1. 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" has 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 Poulouse Athanasius & Ors., [(1955) 1 SCR 520], 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].

20.2. When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived."

This had earlier been emphasized by the Hon'ble Supreme Court in **State of West Bengal and others Vs. Kamalsengupta and another**, (2008) 8 SCC 612.

3. It will be clear from the RA that there is no reference to any error apparent on the face of the record or other grounds for review discussed in the judgments of the Hon'ble Supreme Court

cited above. The RA is completely misplaced and is, therefore, dismissed in circulation.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

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