

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. No.52/2017
In
O.A. No.3074/2012

New Delhi this the 6th day of April, 2017.

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

1. Mr. S K Tomar (Instt. Mech.)
Geo Physical Wing (G&RB)
Survey of India
17, E C Road, Dehradun
2. Mr. B S Negi (Instt. Mech.)
MGW (G&RB)
Survey of India
17, E C Road, Dehradun
3. Mr. S K Sharma (Instt. Mech. High Skilled)
CSMW (G&RB)
Survey of India
17, E C Road, Dehradun
4. Mr. C P Sahani (Instt. Mech.) (G&RB)
Survey of India
17, E C Road, Dehradun
5. Mr. Narendra Kumar (Instt. Mech.)
MGW (G&RB)
Survey of India
17, E C Road, Dehradun
6. Mr. V S Panwar (Instt. Mech.)
MGW (G&RB)
Survey of India
17, E C Road, Dehradun
7. Mr. Anand Singh (Instt. Mech.)
HPL Wing (G&RB)
Survey of India
17, E C Road, Dehradun
8. Mr. S K Kalyania (Instt. Mech.)
MGW (G&RB)

Survey of India
17, E C Road, Dehradun

9. Mr. L.M. Gairola (Instt. Mech.)
Project Suy Wing (G&RB)
Survey of India
17, E C Road, Dehradun

..Applicants

Versus

1. Union of India through Secretary
Ministry of Personnel & Training
North Block, New Delhi
2. Secretary
Ministry of Finance
Department of Expenditure
North Block, New Delhi
3. Secretary
Ministry of Science & Technology
Department of Science & Technology
Technology Bhawan, New Mehrauli Road
New Delhi – 16
4. The Surveyor General of India
Survey of India
Hathibarkala Estate, Dehradun
Uttrakhand

..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 the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, praying for review of this Tribunal's order dated 14.11.2016 in OA No.3074/2012. The review applicants who

were original applicants in the OA had prayed in the OA for grant of some higher pay scales and for the implementation of the report of the Ad hoc Committee which has recommended to grant higher pay scales to them. The Tribunal, however, did not find any substance and merit in the OA and accordingly dismissed it.

2. The only ground pleaded in the RA for seeking review of the order dated 14.11.2016 is that the applicants had filed a written submission and also an additional written submission, contents of which have not been discussed by the Tribunal in the order under review.

3. The applicants have not pointed out any apparent error on the face of the order as such. Suffice to mention that written submissions are basically in furtherance of the pleadings. The Tribunal has considered the pleadings. The Tribunal has also observed that the proper fora for the applicants for seeking grant of higher pay scales to them were 6th & 7th Central Pay Commissions (CPCs) but they had failed to avail those fora. It is also observed that CPC is the proper forum where such pay scale upgradation requests are considered. Furthermore, it has been observed by the Tribunal in the order that the respondents were not under any legal obligation to accept the recommendations of the Anomaly

Committee. For all these reasons the Tribunal had decided to dismiss the OA.

4. Since the applicants have failed to point out any apparent error on the face of the record of the order, the prayer for review of the order is absolutely unwarranted. However, if they are aggrieved by the order, the remedy for them lies in challenging the order before the superior courts. Existence of an error apparent on the face of the record is *sine qua non* for review of the order.

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, we do not find any merit in the RA. Accordingly, the RA is dismissed in circulation. No costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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