

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA NO.131/2013
With
MA NO.2043/2013
In
OA No.1816/2012**

Reserved on 25.04.2016
Pronounced on 28.04.2016

**HON'BLE MR SHEKHAR AGARWAL, MEMBER (A)
HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)**

1. Union of India through
Chief Postmaster General,
(Delhi Circle),
Department of Posts,
Meghdoot Bhawan,
Link Road, New Delhi-110001.
2. Sr. Supdt. of Post Offices,
New Delhi West Division,
Naraina, New Delhi-110028. ...Review Applicants

(By Advocate: Mr. Hanu Bhaskar)

VERSUS

Sh. Vijay Kumar,
S/o Sh. Ramyad Prasad,
R/o G-2/42, Gali No.15,
Sai Enclave, Mohan Garden,
Uttam Nagar, New Delhi-110059. ...Respondent

(By Advocate: Mr. H.P. Chakravorty with Mr. A.K. Bhakt)

:ORDER:

DR BRAHM AVTAR AGRAWAL, MEMBER (J):

This RA has been filed on behalf of the respondents in the
OA No.1816/2012 seeking review of the Order dated 18.03.2013

passed in the said OA (vide Annexure RA-1) along with the MA No.2043/2013.

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3. The MA No.2043/2013 seeks condonation of delay in filing the instant RA. The explanation given does not show sufficient cause. This MA is, therefore, disallowed.

4. Even otherwise, the RA does not deserve to succeed.

5. In **State of West Bengal and Ors. Vs. Kamal Sengupta and Anr.** [2008(9) SCALE 504], the Hon'ble Supreme Court laid down the following principles on the scope of review by this Tribunal:

“(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. This case relates to gaining of employment on the basis of a “false/forged” ST certificate and disciplinary action in that connection. The OA No.1816/2012 filed by the respondent herein was allowed by the Tribunal with the following directions:

“Consequently, we quash and set aside charge sheet issued to the Applicant vide Memo dated 01.11.2009 (*sic*), Inquiry Officer’s report dated 17.06.2009, Disciplinary Authority’s order dated 10.11.2009 dismissing the Applicant from service and the Appellate Order dated 28.07.2010 rejecting the appeal of the Applicant and the order dated 14.07.2011 rejecting the Review Petition of the Applicant. Resultantly, the Respondents shall reinstate the Applicant in service forthwith, with all consequential benefits.”

7. The review applicants desire reconsideration of the whole case, though, during the course of his arguments, their learned counsel confined their prayer to modification of this Tribunal’s Order (Annexure RA-1) by addition of the following directions to the already-given directions of reinstatement of the respondent herein in service, with all consequential benefits, based on this

Tribunal's Order dated 11.10.2012 in the OA No.1368/2012

[Suresh Prasad Vs. Secretary, DoP&T and Ors.]:

"However, they may take appropriate action to get the Caste Certificate produced by the applicant cancelled by the competent authority after due process and if it is cancelled, they are at liberty to initiate fresh departmental proceedings against him, if so advised."

8. The Hon'ble Division Bench, which passed the Order at Annexure RA-1, in its wisdom, though relied on the Tribunal's Order in *Suresh Prasad*, did not consider it necessary to add the further directions as in *Suresh Prasad*. This deviation, in our view, cannot be termed as a mistake or error apparent on the face of the record or be said to constitute sufficient reason for review.

9. In the light of the above, we find that none of the grounds for review as given in Order XLVII Rule 1, CPC has been successfully put up.

10. Hence, the RA is rejected.

(Dr. B.A. Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/jk/