

**Central Administrative Tribunal
Principal Bench, New Delhi**

**RA No.334/2015
In
OA No.65/2012
MA No.4339/2015
MA No.1427/2016**

Order reserved on 19.04.2017
Order pronounced on 21.04.2017

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Surinder Singh Chark,
S/o Late Shri Krishan Singh,
Railway Station,
Anand Vihar, Delhi. ...Applicant

(By Advocate: Mr. G.D. Bhandari)

Versus

Union of India through:

1. The General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
DRM Office,
Firozpur Cantt.
3. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi. ...Respondents

(By Advocate: Ms. Bhaswati Anukampa)

:ORDER:**DR BRAHM AVTAR AGRAWAL, MEMBER (J):**

The instant RA has been filed by the applicant seeking review of this Tribunal's order dated 11.08.2015 in the OA No.65/2012 (Annexure RA-1). Two MAs, i.e., MA No.4339/2015 and MA No.1427/2016 have also been filed seeking condonation of delay of one day in filing the RA.

2. We have heard the learned counsel for the parties, perused the pleadings and given our careful thought to the matter.
3. The aforesaid MAs are allowed.

4. 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."

5. Learned counsel for the applicant has submitted that the aforesaid order dated 11.08.2015 (Annexure RA-1) is erroneous. However, as the Hon'ble Supreme Court has clearly held, an erroneous order/decision cannot be corrected in the guise of exercise of power of review. It appears that the applicant desires to reargue his case and none of the grounds of review given in Order XLVII Rule 1, CPC has been successfully put forth.

6. Therefore, the RA is dismissed.

(DR B.A. AGRAWAL)
MEMBER (J)

(P.K. BASU)
MEMBER (A)

/JK/