

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00011/2018
in
Original Application No. 180/00372/2017

Monday, this the 12th day of March, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

1. Union of India, represented by its Secretary to Government of India, Ministry of Communications, New Delhi.
2. The Director (Staff), Department of Posts, Ministry of Communications & IT, New Delhi 110 001.
3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram, Kerala.
4. The Senior Superintendent of Post Offices, Ernakulam Division Ernakulam, Kerala 682 011. **Review Applicants**

(By Advocate : Mr. K. Kesavankutty, ACGSC)

V e r s u s

1. M.M.Elizabeth, wife of Shajan David, aged 53 years, Postal Assistant, Panampilly Nagar P.O., Ernakulam Division, residing at Pallivathukkal House, Association Road, Kadavanthara, Cochin 682 020
2. Lisy Kochuthresia P E, wife of Thomas V T, aged 55 years, Postal Assistant, Panampilly Nagar P.O., Ernakulam Division, residing at Vadassery House, Don Bosco Road, Vaduthala, Cochin 682 023.
3. Suseela V, wife of C S Padmanabhan, aged 55 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at Padmasree, South Chittoor, Cochin 682 027.
4. K.A. Felishia, wife of T.J.Basil, aged 53 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at 29/52A, Lane I, Thekkevila House, Janatha Road, Vytilla P.O., Cochin 682 019

5. Tresa Symenthy, wife of Robert BellarmineAurgo, aged 53 years, Postal Assistant, Ernakulam High Court Post Office, Ernakulam Division, residing at Panayakulathil House, N.K.S.Road, Vaduthala, Cochin 682 023.
6. Saline N.M., wife of N.J.Francis, aged 54 years, Postal Assistant, Kadavanthara Post Office, Ernakulam Division, residing at Nedumparambil House, Nettoor North, Nettoor P.O., Cochin 682 040.
7. Tessy Antony V., wife of Bosco Thomas A, aged 54 years, Postal Assistant, Kadavanthara Post Office, Ernakulam Division, residing at Thachuparambil House, K.P.Vallon Road, Padom Stop, Kadavanthara, Cochin 682 020.
8. Mary Almeda, wife of A.C.R.B. Nelson, aged 55 years, Postal Assistant, Kadavanthara Post Office, Ernakulam Division, residing at Arackal House, Mother Teresa Road, Kadavanthara P.O., Cochin 682020.
9. Radhadevi E K, wife of the late K.Hariharan, aged 58 years, Postal Assistant, Palarivattom, Ernakulam Division, residing at Aishwarya, 34/822J, KRWA 74, PPN Nagar, Edappally , Cochin 682 024
10. Mini Kannan V K, wife of V Sudheer, aged 52 years, Postal Assistant, Palarivattom Post Office, Ernakulam Division, residing at Vattappilly House, XXXIV/42, NNRA 9, Nethaji Nagar, Edappally North P.O., Cochin 682 024
11. Lissy Cherian, wife of Cheriyan Paul Vazhappilly, aged 58 years, Sub Post Master, Thevara Post Office, Ernakulam Division, residing at Vazhappilly House, AKG Road, Maradu P.O., Cochin 682 304.
12. Vimala Mary P V, wife of K F Joseph, aged 52 years, Postal Assistant, Palarivattom Post Office, Ernakulam Division, residing at Kalathiparambil House, Kattamattom, Chembumukku, Kakkanad West P.O., Cochin 682 030.
13. M.K.Remadevi Antherjanam, wife of P.R.VasudevanNamboothiri, aged 53 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at Porkalamittathillam, Eroor P.O., Tripunithura, Cochin 682 306
14. Sharada C.V., wife of K.R.Bhoopeshnath, aged 54 years, Postal Assistant, Thrikkakara Post Office, Ernakulam Division, residing at Aathira, YMJ Road, YMJRA 84A, Mamangalam, Palarivattom P.O., Cochin 682 025

15. Mohanakumar C.G. son of N GopalakrishnaMenon, aged 51 years, Postal Assistant, Palarivattom Post Office, Ernakulam Division, residing at Nellikkappilil House, Kattayil Lane, Kaloor P.O., Cochin 682 017
16. Beena M R, wife of M.V.Vijayakumar, aged 51 years, Postal Assistant, Kaloor Post Office, Ernakulam Division, residing at Makkayil House, Puthenkulangara, Eroor North P.O., Cochin 682 306
17. K.G. Parasakthi, wife of T.k.Venkitachalam, aged 55 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at Aayilyam 36/442, SRA 102, Kallara Road, Eroor, Tripunithura, Cochin 682 306
18. Padmakumari K.S., wife of C.K.Gopinathan Nair,, aged 57 years, Sub Post Master, Infopark Post Office, Ernakulam Division, residing at Cheriya House, Vadacode P.O., Thrikkakara, Cochin 682 021
19. Shashikumar K.A., son of the late Achuthan Nair, aged 56 years, Public Relations Inspector (Postal), Ernakulam Head Post Office, Ernakulam Division, residing at Vadassery House, South Chittoor, Cochin 682 027
20. Eswari K, wife of Jayadev G Varma, aged 54 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at ThanniparambuMadom, Edappally P.O., Cochin 682 024
21. Lydia Stella Correya, wife of Rudolf Melvin Correya, aged 54 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Dollo Dale, Manapurath, Varapuzha Landing BO, Varapuzha P.O., Cochin 683 517
22. M.R.Leeladevi, wife of P Radhakrishnan, aged 54 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Sagarika, Al Ameen School Road, Edappally P.O., Cochin 682 024
23. M.C.Hema, wife of P K Thilakan, aged 55 years, Sub Post Master, Edappally Post Office, Ernakulam Division, residing at Krishnasree, Azad Road, Kaloor, Cochin 682 017
24. Sheela N S, wife of Harichandran B R, aged 53 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Bhagavatiparambil House, Chirakkakam, Varapuzha P.O., Cochin 683517
25. Shelby John, wife of B John Koshy, aged 52 years, Post Master, Vennala Post Office, Ernakulam Division, residing at Plamoottil Koyikkekunnil, Ponnurunny, Vytilla, Cochin 682 019

26. Mercy Varghese K., wife of Avarachan K.A., aged 55 years, Postal Assistant, Kalamassery Post Office, Ernakulam Division, residing at Aswathy, KeecheryChamakkattuKarotteparambu, Marottichode, Edappally P.O., Cochin 682 024
27. V.V.Santhimol, wife of V K Anirudhan, aged 52 years, Postal Assistant, Elamakkara Post Office, Ernakulam Division, residing at Valiyakulathinkal, Aiswarya, Karama Road, Surya Lane, Elamakkara, Cochin 682 026.
28. N.K. Sadasivan, son of Kunjumon N R, aged 52 years, Postal Assistant, Elamakkara Post Office, Ernakulam Division, residing at 3-F, Abad Silver Dew Apartment, HMT Colony P.O., Cochin 683 503
29. P.V.Margret Gracy, wife of K P George, aged 55 years, Postal Assistant, Elamakkara Post Office, Ernakulam Division, residing at Kidangan House, Manimala Road, Edappally P.O., Cochin 682 024
30. Teresa K J, wife of C S Bernadinto, aged 55 years, Postal Assistant, Elamakkara Post Office, Ernakulam Division, residing at Chillikkoottathil, Adayath Lane, HRA 126, Elamakkara P.O., Cochin 682 026
31. Daisy John, wife of John T V, aged 57 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at Thoppil House, Chuttupadukara, Edappally P.O., Cochin 682024
32. Sheena B, wife of M B Anand Ram, aged 51 years, Postal Assistant, Office of the Senior Superintendent of Post Offices, Ernakulam Division, residing at House No. 20/108, Moriyakkat House, SDPY Road, Palluruthy, Kochi 682 006
33. Sailaja Rajan, wife of M.S.Rajan, aged 56 years, Office Assistant, office of the Senior Superintendent of Post Offices, Ernakulam Division, residing at Mullasseril House, Udayanapuram, Vaikom, Kottayam 686 143
34. P.K.Thilothama, wife of C K Kunjubava, aged 59 years, Postal Assistant, Kaloore Post Office, Ernakulam Division, residing at Illathumughal House, Thrikkakara P.O., Cochin 682 021.
35. Jayakumar K.B., son of B.N.BhaskaraMenon, aged 52 years, Accountant, Ernakulam Head Post Office, Ernakulam Division, residing at Bhavana, Pipe Line Road, Palarivattom, Cochin 682 025
36. Vinodini P.R., wife of Gopalakrishnan K, aged 52 years, Accountant, Kochi Head Post Office, Ernakulam Division, residing at Krishnakrupa, Near AP Bridge, Thevara P.O., Cochin 682 013

37. Nazeema P.K., wife of Sherif K.M., aged 54 years, Postal Assistant, Tripunithura Post Office, Ernakulam Division, residing at Karedath House, Kanjiramattom PO, Ernakulam District 682 315.
38. Shylaja Gopalakrishnan, wife of K.S.Gopalakrishnan, aged 56 years, Postal Assistant, Tripunithura Post Office, Ernakulam Division, residing at GuruvayoorappaNivas, Hospital Road, Tripunithura, Cochin 682 301.
39. Babu M P, son of Prabhakaran M K, aged 54 years, Postal Assistant, Tripunithura Post Office, Ernakulam Division, residing at Cherukarathil House, Madhavam, Puthiyakavu, Tripunithura P O, Cochin 682 301
40. Nussy Varghese, wife of Bijumon Joseph, aged 51 years, Postal Assistant, Mattancherry, Ernakulam Division, residing at H.No. 13/235, Annaveliyil House, Ezhupunna, Alappuzha District 688 537
41. Lizzy P F, wife of Joseph K A, aged 54 years, Sub Post Master, Kumbalangi Post Office, Ernakulam Division, residing at VIII-353 A, Kutteparambil House, South Cherlai, Mattanchery P.O., Cochin 682 002.
42. C.Reghu, son of Velathukunju, aged 59 years, Sub Post Master (Officiating), Willington Island Post Office, Ernakulam Division, residing at Rahul Bhavan, House No. 21/548 (A2), P.D.Road, Palluruthy P.O., Kochi 682 006.
43. Sheela V M, wife of Manoharan N N, aged 53 years, Postal Assistant, Kochi Head Post Office, Ernakulam Division, residing at XXI/1521, Madhavam, Veliparambil House, Janatha Road, Palluruthy, Kochi 682 006.
44. Shaja P R, wife of Sudhi R V, aged 55 years, Sub Post Master, Edavanakad Post Office, Ernakulam Division, residing at Ramady House, Nayarambalam P.O., Cochin 682 509
45. Elizabeth Peter, wife of Rajan T Jacob, aged 57 years, Postal Assistant, SBCO, Kochi Head Post Office, Ernakulam Division, residing at Olikkara House, Kadavil Road, Thykoodam, Vytill PO, Cochin 682 019
46. D.S.Sajitharani, wife of T V Divakaran, aged 54 years, Sub Post Master, Ochanthuruth Post Office, Ernakulam Division, residing at Thundiparambil House, Azheekal P.O., Vypin, Cochin 682 508.
47. Sarala P S, wife of K N Madhavan , aged 58 years, Postal Assistant, Kochi Naval Base Post Office, Ernakulam Division, residing at Padanjekkal House, Thevara, Perumanoor, Cochin 682 015

48. Joseph A S, son of Sandhyav, aged 54years, Postal Assistant, Nayarambalam Post Office, Ernakulam Division, residing at Attipetty House, Narakal, Cochin 682 505
49. S. Mini Mangala, wife of P Narayanankutty, aged 53 years, Postal Assistant (LSG) SBCO, Ernakulam Head Post Office, Ernakulam Division, residing at Krishna Vilas, Elamakkara P.O., Cochin 682 026
50. Indira K, Daughter of the late K.S. Damodaran, aged 57 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, permanently residing at OdanattuMadom, South Mavelikara, Alapuzha District 690 103
51. G. Ambikadevi, wife of P.R.Santhosh, aged 57 years, Postal Assistant, Kalamassery Post Office, Ernakulam Division, residing at Aswin, GCRA-B-245, 18th Cross Road, Changampuzha Nagar P.O., Ernakulam 682 033
52. Ganeshan H, son of the late R.S.Hariharan, aged 53 years, Postmaster, Kochi Head Office, Ernakulam Division, residing at Hariprasadam, 34/27, Pearl Gardens, Elamakkara, Ernakulam 682 026.

... Respondents

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O R D E R (By circulation)

Per : U. Sarathchandran, Judicial Member –

Respondents in the O.A. are the Review Applicants. In Annexure R.A.1 common order, this Tribunal was dealing with the grievance of the applicants in the O.A. relating to the refusal and inaction on the part of the respondents (Review Applicants) to count the service rendered by the former under the Reserved Trained Pool (for short “R.T.P.”) in terms of the various judicial decisions of the different benches of this Tribunal and as per Annexure A4 decision of this Tribunal in O.A. 79/2011 which has not been interfered with by the High Court in OP(CAT) No. 114/2014 and connected cases as well as by the Hon'ble Apex Court in SLP No.

25442/2017 and connected cases.

2. This Tribunal in Annexure R.A.1 order diverted to grant the benefit of Annexure A4 order (order dated 1.10.2013 in O.A. 79/2011 in Annexure A.4) which reads thus:

"27. In view of the above, all these Original Applications are disposed of with direction to the respondents as under:-

- (a) Respondents shall work out the vacancies that arose from 1984 onwards, which could not be filled up on account of the ban on recruitment.
- (b) RTP candidates on the basis of their year of recruitment, coupled with the order of merit, shall be accommodated notionally against such vacancies that were lying unfilled from 1984 onwards.
- (c) It is from the date on which these applicants could be deemed to have been placed against such vacancies that the period of 16 years of service for grant of TBOP benefits shall be worked out.
- (d) On completion of 16 years of such service, they would be deemed to have been granted TBOP benefits and the pay in the higher scale shall be fixed.
- (e) Arrears shall be worked out in respect of these cases and the same shall be payable to the applicants concerned.
- (f) In so far as MACP is concerned, the period of 20 years for 2nd MACP shall be reckoned only from the date of regular appointment and those who are entitled to 2nd MACP financial benefits accordingly shall be afforded the same, if not already done."

3. The Review applicants now state that in Annexure R.4 order, this Tribunal had granted pensionary benefits also without being prayed for contending that in Annexure A.4 order there was no such relief sought in the O.A. Therefore, the respondents pray for Review of the R.A.1 order.

4. The Apex Court in *State of West Bengal & Ors. v. Kamal Sengupta & Anr.* - 2008 (2) SCC 735 has enumerated the principles to be followed by the Administrative Tribunals when it exercises the power of review of its own order under Section 22(3)(f) of the Administrative Tribunals Act, 1985. They are :

“(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 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 a 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 this case, we are unable to see that the Review Applicants has brought out any error apparent on the face of the record. The ground urged by the review applicants can be discovered only by a long process of reasoning.

6. We do not find any error apparent on the face of the record and hence we dismiss the Review Application.

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U. SARATHCHANDRAN)
JUDICIAL MEMBER

sj/*

List of Annexures in R.A.

Annexure RA.1: True copy of the order dated 10.01.2018 in
O.ANo. 372/2017 of the Central Administrative
Tribunal, Ernakulam Bench.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-