

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Review Application No. 180/00010/2018

in

Original Application No.180/00385/2017

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 y Secretary to Government of India, Ministry of Communications, New Delhi.
 2. The Director (Staff), Department of Posts, Ministry of Communications & IT, New Delhi 110001
 3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram, Kerala.
 4. The Superintendent of Post Offices, Alappuzha Division, Alappuzha, Kerala- 688 012
- Review Applicants**

(By Advocate – Mr. K. Kesavankutty)

V e r s u s

1. N. Jalaja, wife of M. N. Venugopal, aged 55 years, Postal Assistant, Cherthala Head Office, Alappuzha Division, residing at Vaisakhi, Cherthala South P.O., Alappuzha 688 539
2. P. Thulasi, wife of P. Ramachandran Nair, aged 52 years, Sub Post Master, Thanneermukkam P.O., Alappuzha Division, residing at Prabhath, Varanad P.O., Cherthala, Alappuzha 688 539
3. Jyothi Kumar J. S., son of SivasankaraPillai, aged 55 years, Sub Post Master, Vayalar P.O., Alappuzha Division, residing at JyothiBhavan, CMC-12, Cherthala P.O., Alappuzha 688 524
4. Rajeswari P., wife of Suresh Kumar M, aged 53 years, Sub Post Master, Poochakal, Alappuzha Division, residing at Kausthubham, Kuthithode P.O., Alappuzha 688 533
5. V. K. Prasanna, wife of K. V. Chidambaran, aged 61 years, Sub Post Master (Retired), Thannimukkam P.O., Alappuzha Division, residing at Kochuparambil House, Muhamma P.O, Alappuzha 688 525

6. P. Sulekha, wife of T.K.Divakaran, aged 61 years, Sub Post Master (retired), Kalavoor P.O., Alappuzha Division, residing at Thekkethalackal, Pollathai, Kalavoor P.O., Alappuzha 688 522
7. Prabhakaran Nair A P, wife of the late K. Parameswaran Nair, aged 53 years, Sub Post Master, Pallipuram P.O., Alappuzha Division, residing at GeethaNivas, Arattukulangara, Vaikom P.O., Kottayam 686 141
8. Suseela N, wife of VasudevaPai, aged 54 years, Accountant (retired), Office of the Superintendent of Post Offices, Alappuzha Division, residing at Anugrah, Sethulekshampuram P.O., Cherthala, Alappuzha 688 523
9. Gangakumari M.K., wife of N Radhakrishnan, aged 53 years, Postal Assistant, Head Office, Alappuzha Division, residing at Vallayil House, Pazhaveedu P.O., Alappuzha 688 009
10. Sobhana Kumari K.I., wife of A. K. Rengarajan, aged 58 years, Sub Post Master, Mannancherry P.O., Alappuzha Division, residing at Sreerangam, Kalavoor P.O., Alappuzha 688 522
11. Babu K.S., son of Sreedharan N K, aged 56 years, Sub Post Master, Alappuzha North P.O., Alappuzha Division, residing at KalakkalParambil, Arattuvazhy, Alappuzha North P.O., Alappuzha 688 007
12. Ramachandran Nair K, son of Krishnankutty Nair, aged 52 years, Sub Post Master, Champakulam P.O., Alappuzha Division residing at LekshmiVihar, MancombuThekkekara P.O., Alappuzha 688 503
13. R.Sethu Madhavan Nair, son of the late V N RajappaPillai, aged 51 years, Sub Post Master, Pathirappally P.O., Alappuzha Division, residing at Malavika, Pathirappally P.O., Alappuzha 688 521
14. K. Lalitha, wife of K.P.Yesodharan, aged 57 years, Sub Post Master, Avalakunnu P.O., Alappuzha Division, residing at Kochamparambil House, Aryad North, Mannencherry, Alappuzha 688 538
15. K.G.Somasekharan Nair, son of Gopalakrishnan Nair, aged 53 years, Postal Assistant, Alappuzha Head Post Office, Alappuzha Division, residing at Thenath, Komana, Ambalapuzha, Alappuzha 688 561
16. N.B.Devarajan, son of V.Bhaskaran Nair, aged 53 years, Postal Assistant, Alappuzha Head Post Office, Alappuzha Division, residing at Srisilpam House, M.O.Ward, Alappuzha 688 011
17. B.Padma Pai, wife of P.R. SadanandaShenoy, aged 54 years, Sub Post Master, Alappuzha Collectorate P.O., Alappuzha Division, residing at

Haripriya, Old Thirumala, Mullackal Ward, Alappuzha 688 011

18. Anitha S, daughter of N. Krishna Pillai, aged 56 years, Postal Assistant, Pazhaveedu P.O., Alappuzha Division, residing at Aswathy, Komana, Ambalapuzha, Alappuzha 688 561
19. D.Babu, son of P Damodaran Nair, aged 53 years, Sub Post Master, Thathampally P.O., Alappuzha Division, residing at Sobhanalyam, Pullangady P.O., Champakulam, Alappuzha 688 505.

..... **Review Respondents**

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

List of Annexures of the Review Applicants

Annexure R-1 - True copy of the order dated 10.01.2018 in OA
No. 385/2017 of the Central Administrative Tribunal,
Ernakulam Bench.

List of Annexures of the Review Respondents

Nil.
