

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Review Application No. 180/00012/2018
in
Original Application No.180/00359/2017

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 Secretary to Government of India, Ministry of Communications, New Delhi 110001.
2. The Director (Staff), Department of Posts, Ministry of Communications & IT, New Delhi 110001.
3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram, Kerala 695001.
4. The Senior Superintendent of Railway Mail Services, Railway Mail Services Ernakulam Division, Ernakulam, Kerala- 682 011. **..... Review Applicants**

(By Advocate – Mr. K. Kesavankutty)

V e r s u s

1. M.B.Sumadevi, wife of N Radhakrishnan, aged 52 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Pushyaragam, Maliakal, Chottanikkara P.O., Ernakulam 682 312.
2. Viswanadhan V.S., son of Sreedharan N.K., aged 56 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Kuzhiampil, Karamala P.O., Koothattukulam, Ernakulam 686 662.
3. Kesavan Elayath M.K., son of KesavanElayath M.D., aged 55 years Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Kunkkattillom, Vadakara P.O., Thalayolaparambu, Kottayam 686 605.
4. O.K.Sheeba, wife of K.R.Shaji, aged 54 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Kunnath House, C-1, Soumya Nagar, Padivattom, Edapally P.O., Ernakulam 682 024.

5. T.D.Sudha, wife of P.V.Shaji, aged 51 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Puthenpurayil, Polassery, Vaikom, Kottayam 686 141.
6. N.G.Kanakam, wife of Vijayakumar P.K., aged 56 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Vijay Vihar, XXXXIII-774(30/115), ANRA-110, Nair Samajam Road, Eroor West, Tripunithura, Ernakulam 682 305.
7. B. Prasana Kumari, wife of V.K.Viswanathan, aged 54 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Bhagy Krishna, 33/2244 A, Vennala P.O., Ernakulam 682 028.
8. M.C.Ramani, wife of the late K.M.Suresh, aged 55 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Karuveliparambil House, Toll Gate Road, Vaduthala P.O., Ernakulam 682 023.
9. Raju George K. X., son of Xavie, aged 52 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at 21/1537, Kattithara, Palluruthy, Kochi 682 006.
10. Salimkumar M K, son of Kuttappan, aged 52 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Marangattil House, Appu Memorial Road, AIMS Ponekkara P.O., Ernakulam 682 041.
11. K.A. Chinnamma, wife of V.G.Antony, aged 55 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Valeppilly House, Dhanya Lane, Manimala Road, AIMS Ponekkara P.O., Ernakulam 682 041.
12. Jayalekshmi K.A., wife of Rajan P.G., aged 56 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Ragadeepam, Mahanthuruth, Vadakkekara P.O., North Parur, Ernakulam 683 522.
13. Beena George, wife of A. J. Mathew, aged 53 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at G-22, Green Garden, Edapally Toll, Edapally P.O., Ernakulam 682 024.
14. Thresia P.V., wife of Xavier C.A., aged 53 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Mariabhavan, Mannar, Poozhikol P.O., Kaduthuruthy, Kottayam 686 604.

15. Aleyamma K.C., wife of Thomas M.J., aged 54 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Manappillil House, Arakkunnam P.O., Ernakulam 682 313.
16. R. Valsala, wife of P.C.Hariharan Nair, aged 54 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Sawparnika, Valayanchirangara P.O., Poonoorkara, Perumbavoor (via), Ernakulam 683 556.
17. T.S.Chandramathy, wife of K Sankaran Nair, aged 57 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at 23/D/O- Star Homes, Tripunithura, Ernakulam 682 301.
18. P.K.Teresa, wife of K.J.Joy, aged 53 years, Sorting Assistant, Head Office, Southern Naval Command, Naval Base, Railway Mail Service, Ernakulam Division, residing at Kattuparambil House, S.W.T.S. Road, Assisi Junction, Aluva , Ernakulam 683 101.
19. C.N.Thanka Kunjamma, wife of N. R.Muraleedharan, aged 54 years, Sorting Assistant, Sub Record Office, Aluva, Railway Mail Service, Ernakulam Division, residing at Sindhooram, Kanjirakad, Rayonapuram P.O., Perumbavoor, Ernakulam 683 543.
20. Devaky U.M., wife of Velayudhan V.K., aged 54 years, Sorting Assistant, Head Record Office, Railway Mail Service, Ernakulam Division, residing at Vettathuparambil, BheamBhavan, Maradu P.O., Kannadikadu, Ernakulam 682 304. **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

sj/*

List of Annexures of the Review Applicants

Annexure R-1 - True copy of the order dated 10.01.2018 in OA
 No. 359/2017 of the Central Administrative Tribunal,
 Ernakulam Bench.

List of Annexures of the Review Respondents

Nil.
