

**Central Administrative Tribunal
Ernakulam Bench**

RA No.180/00022/2018
in OA/180/00859/2017

Monday, this the 14th day of May, 2018.

CORAM

Hon'ble Mr.U.Sarathchandran, Judicial Member

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

Surjith P., aged 26 years

S/o P.Somasundaran

NOBLE, Edavalath Paramba

Edakkad (P.O.)

Kozhikode, Pin: 673 005

Kerala.

Review Applicant

(By Advocate: Dr.K.M.George)

versus

1. Department of Personnel & Training
represented by its Secretary
Ministry of Personnel, Public Grievances
and Pensions, North Block,
New Delhi-110 001.
2. Union Public Service Commission
represented by its Chairman
Dholpur House, Shajahan Road
New Delhi-110 069.
3. Ministry of Environment
Forest and Climate Change
represented by its Secretary
Indira Paryavaran Bhawan
6th Floor, Prithvi Block
Jor Bagh Road, Ali Ganj
New Delhi-110 003.

Respondents

(By Advocate : Mr.Thomas Mathew Nellimoottil, Sr.PCGC)

Order By Circulation

By U.Sarathchandran, Judicial Member

The applicant in the OA is the Review Applicant. He had approached this Tribunal with the OA when Annexure A8 impugned order (in the OA) was issued to

him, which declared him as unfit on account of “sub-standard height” after medical examination, for 2016 selection to the Indian Forest Service. This Tribunal dismissed the OA vide Annexure RA1 order holding that the applicant is not entitled to any relaxation in the height requirement mentioned in Annexure A9 notification (in the OA). The review applicant is now seeking review of Annexure RA1 order on various grounds which generally beseech a favourable order in the OA. The Grounds (A) to (S) stated by him are in the nature of arguments for reconsideration of Annexure RA1 order.

2. The principles to be followed while the administrative tribunals review their own order under Section 22(3)(f) of the Administrative Tribunals Act, 1985 have been laid down by the Apex Court in ***State of West Bengal and Others v. Kamal Sengupta and another*** (2008) 2 SCC (L&S) 735, as under:

“(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 fact 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.”

3. In the light of the above ruling of the Apex Court, we are of the view that the grounds stated by the review applicant for reviewing Annexure RA1 order are indicative of neither any error apparent on the face of the record nor the grounds enumerated in Order 47 Rule 1 CPC. On the other hand, the grounds pressed into service by the applicant can be considered only by a long process of reasoning and cannot be treated as an error apparent on the face of the record justifying the exercise of power under Section 22(3)(f) of the Act. Therefore, we are of the view that the review application is only to be dismissed. We do so.

(E.K.Bharat Bhushan)
Administrative Member

(U.Sarathchandran)
Judicial Member

aa.

Annexure cited by the review applicant:

Annexure RA1: Copy of the order dated 20.2.2018 in OA No.180/00859/2017 of this Tribunal.