

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Review Application No.180/00030/2018
in
Original Application No. 180/00656/2017**

Tuesday, this the 22nd day of May, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member

<ol style="list-style-type: none"> 1. Union of India, represented by the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Chennai – 600 003. 2. Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum – 695 014. 3. Chief Personnel Officer, Southern Railway, Headquarters Office, Park Town P.O., Chennai – 600 003. 4. Railway Board, Ministry of Railways, Rail Bhavan, New Delhi – 110 001, Represented by its Secretary. 	Review Applicants
---	--------------------------

(By Advocate – Mr. Millu Dandapani)

V e r s u s

B. Sudhir Kumar, S/o. Bhaskaran Pillai P., Junior Clerk/Southern Railway/ Office of the Sr. Divisional Mechanical Engineer, Trivandrum Divisional Office, Trivandrum – 695 014, Residing at “Pournami”, Kalluvathukkal P.O., Kollam – 691 578.	Respondent
---	-------------------

This Review Application having been considered by circulation, the Tribunal on 22.05.2018 delivered the following:

O R D E R (by circulation)

Per: U. Sarathchandran, Judicial Member

1. The Review Application has been filed by the respondents in the OA against the final order passed by this Tribunal on 19.03.2018 allowing the OA for want of reply statement by the respondents who have been granted sufficient time for filing the same.

2. The Review Applicants contend that the reply statement was not filed within the time stipulated by this Tribunal in spite of granting several occasions to do so, on account of the administrative reasons, not by reason of any wilful disobedience of the directions of this Tribunal.

3. 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.”

4. This Tribunal does not find that the grounds stated in the Review Application do not fit in any of the above principles. Therefore, the Tribunal is not inclined to allow the Review Application.

5. The RA is dismissed.

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

yd

List of Annexures of the Review Applicants

Annexure RA1 - True copy of the Order in OA 180/00656/2017 dated 19th March, 2018.

List of Annexures of the Respondent

Annexure R1 - True copy of the Railway Board's order No. P(R) II/P/Vol.VI dated 17.10.2017.
