

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00032/2018 in
Original Application No. 180/00167/2015
Monday, this the 11th day of June, 2018

CORAM:

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

T.Radhakrishnan
 S/o.Shri.T.Ravunny
 1-6, Shriniwaspuri, New Delhi-110 065
 (Presently residing at Parijatham Apartments,
 Changampuzha Nagar
 South Kalamassery, Ernakulam) **Review Applicant**

(By Advocate : M/s.Varkey & Martin)

V e r s u s

1. Controller General of Accounts
 Ministry of Finance, Deptt. Of Expenditure
 Government of India, Lok Nayak Bhavan
 Khan Market, New Delhi- 110 003
2. Principal Chief Controller of Accounts
 Ministry of External Affairs
 Government of India,
 Jawahar Bhavan, Maulana Azad Road, New Delhi-110 011
3. Secretary, Department of Personnel & Training
 Government of India, New Delhi
4. Secretary, Department of Expenditure
 Ministry of Finance, Government of India
 North Block, New Delhi- 110 001 **Respondents**

O R D E R (By circulation)

Per Hon'ble Mr. U. Sarathchandran, Judicial Member –

This Review Application has been filed by the applicant in O.A No.180/167/2015. The Original Application was filed challenging the action of the respondents cancelling the 3rd financial upgradation granted to the applicant by Annexure A-1 order dated 22.5.2012 and also the

consequential recovery of Rs.1,64,112/- from the applicant's DCRG as overpayment. The Original Application was dismissed vide Annexure RA-1. According to the review applicant, this Tribunal while dismissing the Original Application, had failed to take into consideration of the principle laid down by the Hon'ble Apex Court in ***State of Punjab and Others v. Rafiq Masih*** AIR 2015 SC 696 and hence there is an error apparent on the part of this Tribunal.

2. We have carefully considered the contention of the Review Applicant. 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 orders 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."

3 Annexure RA-1 order was passed by this Tribunal on the ground that there was a mistake occurred to the respondents while granting 3rd financial upgradation under the MACP Scheme without noting that the applicant has not spend 10 years continuously in the same Grade Pay and hence the respondents are entitled to correct the mistake. The plea of the Review Applicant that the judicial precedents in **White Washer's** case was not applied in this case is not a ground for review of the case.

4 We find that there was no error apparent on the face of the records. The Review Application is dismissed. No costs.

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U. SARATHCHANDRAN)
JUDICIAL MEMBER**

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List of Annexure

Annexure RA-1 – True copy of the order dated 13.4.2018 in Original Application No.167 of 2015.

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