

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Review Application No.181/00045/2018
in Original Application No.181/00853/2017**

Friday, this the 14th day of September, 2018

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

1. The Administrator,
Administration of the Union Territory of Lakshadweep,
Kavaratti – 682 555.
2. Local Accommodation Board,
Administration of the Union Territory of Lakshadweep,
Lakshadweep Office, Kochi – 682 003.
3. Chairman, Local Accommodation Board,
Administration of the Union Territory of Lakshadweep,
Lakshadweep Office, Kochi – 682 003. ...Review Applicants

(By Advocate Mr.S.Manu)

V e r s u s

1. Mohammed Shaffee P.C.,
Junior Engineer (Electrical),
Electrical Subdivision, Lakshadweep Office,
Wellington Island, Kochi.
2. K.Cheriyakoya,
Deputy Director (Supply & Transport),
Lakshadweep Office, Wellington Island,
Kochi – 682 003. ...Review Respondents

O R D E R (Under Circulation)

The Review Application has been filed by the Respondent Nos.1-3 in the O.A seeking a review of the order passed by this Tribunal directing allotment of Type IV quarter to the applicant in the O.A (Respondent No.1 herein). The contention raised in the R.A is that the review applicants had not been able to bring Annexure R.A-2 document to the notice of the Tribunal

wherein it is stated that Type IV allotments are restricted only to Head of Department/Gazetted Officer. A review application will stand only if it is concluded that an error apparent on the face of the record has occurred while issuing the order. In this particular case the reason for seeking the recall is that a particular document could not be brought before the Tribunal. This is not admissible as per Clause (viii) of the decision in ***State of West Bengal & others v. Kamal Sengupta and another (2008) 3 AISLJ 209***. The relevant part is quoted below :

“(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 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.

2. In the light of the above the review application is dismissed. No order as to costs.

(Dated this the 14th day of September 2018)

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

asp

List of Annexures in R.A.No.181/00045/2018 in O.A.No.181/00853/2017

- 1. Annexure RA-1** – True copy of the final order dated 30.7.2018 in O.A.No.853/2017 on the file of this Hon'ble Tribunal.
 - 2. Annexure RA-2** – True copy of the Order F.No.48/01/2015-C4 dated 20.4.2018 issued by the Superintending Engineer, Lakshadweep Public Works Department, Kavaratti.
-