

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00049/2018 in
Original Application No. 180/00866/2015

Wednesday, this the 26th day of September, 2018

CORAM:

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

1. S. Kuttan Pillai,
Floor Assistant, Doordarshan Kendra,
Thiruvananthapuram – 695 043,
Residing at Vadakkevila Puthen Veedu,
Madanthancode, Kuzhimathicadu, Nellimukku P.O.,
Kollam – 691 509.

2. K.P. Mohanakumaran Nair,
Floor Assistant, Doordarshan Kendra,
Thiruvananthapuram – 695 043,
Residing at T.C. 17/194, Deepanjali, CRA-6,
M.K. Road, Poojappura,
Thiruvananthapuram – 695 012. **Review Applicants**

(By Advocate : Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. Union of India represented by its Secretary,
Ministry of Information & Broadcasting,
New Delhi – 110 001.

2. The Chief Executive Officer,
Prasar Bharathi Broadcasting Corporation of India,
Mandi House, New Delhi – 110 001.

3. The Director General, Doordarshan,
Directorate General of Doordarshan,
Doordarshan Bhawan, New Delhi – 10 001.

4. The Deputy Director General,
Doordarshan Kendra, Thiruvananthapuram –
695 043. **Respondents**

O R D E R (By circulation)

Per: Ashish Kalia, Judicial Member -

This review application has been filed by the applicants in the OA No. 180/866/2015 which was dismissed by this Tribunal vide Annexure RA1 order dated 10.08.2018. The applicants in the OA were initially engaged as Casual Floor Assistants with effect from 1.9.1988 to March, 1990 with the respondents. They had approached this Tribunal seeking a declaration that the applicants are identically placed like Shri R. Krishnamoorthy and for extending the same service benefits as due to R. Krishnamoorthy.

2. This Tribunal after hearing the counsel appearing for the parties and perusing the records dismissed the OA holding that they are not eligible for getting employment as they have failed in the departmental examination and when their services were to be regularized they were found to be over aged. However, the respondents have considered them for relaxing the age limit under the liberalized scheme w.e.f. 21.8.2013.

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 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.”

4. By the present Review Application the case put forth by the review applicants is for re-consideration of the factual circumstance of the case which is not envisaged in the principles for review of the order as enumerated by the apex court in the aforesited dictum. In short, the review applicants seek a re-hearing of the case which is not contemplated under the power review envisaged under Section 22(3)(f) of the Administrative Tribunals Act, 1985. Further no error apparent on the face of the record could be established by the review applicants.

5. In the light of the above decision and in view of the facts and circumstances of this case, we do not find any error apparent on the face of the record which would warrant review of this Annexure RA1 order.

Accordingly RA is dismissed.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

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REVIEW APPLICANTS' ANNEXURES

Annexure RA1 – True copy of the order dated 10.8.2018 in OA No. 180/00866/2015 of this Hon'ble Tribunal.

Annexure RA2 – True copy of the complaint filed by Review Applicants before the Judicial First Class Magistrate Court-II, Thiruvananthapuram.

RESPONDENTS' ANNEXURES

Nil

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