

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00052/2018 in
Original Application No. 180/00085/2017

Tuesday, this the 30th day of October, 2018

CORAM:

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

D. Rejith, S/o. K.N. Damodara Kurup, aged 60 years,
former Chief Marketing Manager, Hindustan Organic Chemicals Ltd.,
Ambalamugal, Ernakulam, residing at Chaitram, 29/764A, L.M. Pylee
Cross road, Vytilla, Kochi – 682019. **Review Applicant**

(By Advocate : Mr. V. Sajith Kumar)

V e r s u s

1. Hindustan Organic Chemicals Ltd., registered office,
PO Rasayani, District Raighad, Maharashtra India, Pin 410207,
represented by its Chairman & Managing Director.
2. The Chairman & Managing Director, Hindustan Organic Chemicals
Ltd., registered office PO Rasayani District, Raighad, Maharashtra,
India, Pin 410207.
3. The Chief General Manager (Personnel & Administration),
Hindustan Organic Chemicals Ltd., Ambalamugal,
Ernakulam, Pin – 682302. **Respondents**

O R D E R (By circulation)

Per: Ashish Kalia, Judicial Member -

This review application has been filed by the applicant in the OA No.
180/85/2017 which was dismissed by this Tribunal vide Annexure RA1
order dated 14.08.2018.

2. The applicant in the OA was aggrieved by the inaction on the part of
the respondents to regularize his services from 1.3.2005 to 28.2.2014, the

period he had been kept under suspension erroneously on the basis of a crime registered by the Central Bureau of Investigation which later found unsustainable, resulting in his honorable discharge.

3. This Tribunal after hearing the counsel appearing for the parties and perusing the records dismissed the OA holding that there is no merit in the OA which warrants interference of the Tribunal.

4. 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.”

5. 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 aforecited 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.

6. 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 APPLICANT'S ANNEXURES

Annexure RA1 – True copy of the order dated 14.9.2018 in OA 85/2017 of the Central Administrative Tribunal, Ernakulam Bench.

RESPONDENTS' ANNEXURES

Nil

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