

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00076/2017 in
Original Application No. 180/00717/2015

Monday, this the 5th day of March, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member

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

1. Union of India, represented by its Secretary,
Department of Posts, Ministry of Communication and Information
Technology, Dak Bhavan, New Delhi – 110 116.
2. The Senior Superintendent of Post Offices, Thrissur Division,
Thrissur – 680 001. **Review
Applicants**

(By Advocate : Mr. K. Kesavankutty, ACGSC)

V e r s u s

1. Mini K.P., aged 36, D/o. Shri Bhaskaran Nair,
Part time Sweeper, Pazhanji PO, Kunnamkulam,
residing at Moolayil House, Akkikkavu,
Kunnamkulam PO.
2. P.V. Nalini, Kottipurakkal House, P.O., Eyyal,
Trichur District. **Respondents**

O R D E R (In circulation)

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

This Review Application has been filed by the respondents against Annexure RA-1 order passed by this Tribunal in OA No. 180/717/2015 on 28.11.2017. By Annexure RA-1 order this Tribunal allowed the OA setting aside Annexure A1 order and directing the respondents to re-consider selection to the post of GDS BPM Porkulam strictly in terms of Annexure A-8 order of this Tribunal, only from amongst the part-time or full time

casual labourers of the same sub division and to give the applicant appointment if she happens to be meritorious amongst the candidates so considered. Finding that respondent No. 2 acted in violation of Annexure A8 order and was thumbing his nose at this Tribunal, this Tribunal had directed the respondent Department to pay a cost of Rs. 10,000/- to the applicant also.

2. The Review applicants approached this Tribunal with the present R.A. on various grounds which seems to be the contentions taken by the respondents in their pleadings in the OA.

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. In the light of the above principles we are of the opinion that in the present RA the review applicants are seeking a re-hearing of the matter which is impermissible. No error apparent on the face of the record could be pointed out by the review applicants. Therefore, it goes without saying that the RA is only to be dismissed. Accordingly the RA is dismissed.

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U. SARATHCHANDRAN)
JUDICIAL MEMBER

“SA”

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REVIEW APPLICANTS' ANNEXURES

Annexure RA-1 – True copy of the order dated 28.11.2017 in OA No. 717/2015 of the Central Administrative Tribunal, Ernakulam Bench.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-