

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00001/2018 in
Original Application No. 180/00216/2016

Monday, this the 2nd day of April, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member

1. The Chief Postmaster General, Kerala Circle,
Thiruvananthapuram – 695 331.
2. The Accounts Officer, Office of the Director of
Accounts (Postal), Kerala Circle, 4th Floor, GPO Buildings,
Thiruvananthapuram – 695 001.
3. The Superintendent of Post Office, Kasaragod Division,
Kasaragod – 671 121.
4. The Post Master General, Northern Region,
Calicut – 673 011.

..... **Review
Applicants**

(By Advocate : Mr. S. Ramesh)

V e r s u s

A.P. Balakrishnan Embranthiri,
Aged 69 years, S/o. Ganapathy Embranthiri,
Retired Head Post Master,
Bhadra Vilasom Pattana, Neeleshwar,
Kasaragod District.

..... **Respondent**

O R D E R (In circulation)

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

This Review Application has been filed by the respondents in the OA No. 180/216/2016 seeking review of Annexure RA-2 order passed on 20.7.2017. MA No. 180/20/2018 is for condoning the delay of 123 days in filing the review application.

2. Before considering the review application it is highly essential whether the delay occurred in filing the RA can be condoned or not. It is settled law in *K.Ajit Babu v. Union of India* - (1997) 6 SCC 473 that right of review is available only if the review petition is filed within the period of limitation. Rule 17(1) of the Central Administrative Tribunal (Procedure) Rules 1987 prescribes that no applications for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed. In *K. Ajit Babu's* case (supra) the apex court held:

“The right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on limited grounds, mentioned in Order 47 of these Code of Civil Procedure. Although strictly speaking the Order 47 of the Code of Civil Procedure may not be applicable to the tribunals but the principles contained therein surely have to be extended. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision. Besides that, the right of review is available if such an application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of party feeling adversely affected by the said decision. A party in whose favour a decision has been given can not monitor the case for all times to come. Public policy demands that there should be an end to law suits and if the view of the tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the aggrieved persons on restricted ground mentioned in Order 47 of the Code of Civil Procedure if filed within the period of limitation.”

Therefore, at the outset itself the RA is not maintainable as it is filed beyond the time limit.

3. Nevertheless, on going through the review application this Tribunal is of the opinion that review applicants have not made out any error apparent on the face of the record. The review applicant states that in the light of Annexure RA-1 administrative instructions the applicant in the OA is not entitled to the relief sought in the OA.

4. This Tribunal has decided the issue in the OA based on two other decisions of this Tribunal and which have not been interfered by the High Court. The issue raised by the review applicants based on Annexure RA-1 calls for a detailed adjudicatory process and hence the same cannot be treated as an error apparent on the face of the record. Therefore, on merits also the RA is not sustainable.

5. Accordingly, MA No. 180/20/2018 for condonation of delay is dismissed. RA also is dismissed on merits as well.

(U. SARATHCHANDRAN)
JUDICIAL MEMBER

“SA”

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REVIEW APPLICANTS' ANNEXURES

Annexure RA-1 – Directorate order No. 4-4/2008-PCC(Corr) dated 4.6.2014.

Annexure RA-2 - True copy of the final order dated 20.7.2017 in OA No. 216/2016 of Hon'ble CAT Ernakulam Bench.

RESPONDENT'S ANNEXURES

Nil

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