

**Central Administrative Tribunal
Principal Bench**

RA No.63/2018
in
OA No.952/2018

New Delhi this the 2nd day of May, 2018.

Hon'ble Mr. K.N. Shrivastava, Member (A)

Sh. Mangal,
S/o Late Sh. Shambhoo
Present R/o 180/9, M.C.D. Flats
Pooth Kalan, Sector-20, Rohini
Delhi-110086.

...Applicant

Versus

1. North Municipal Corporation of Delhi
Head Office at Civil Center, Minto Road
New Delhi-110002
Through the Commissioner.
2. The Commissioner
North Municipal Corporation of Delhi
Civil Center, Minto Road
New Delhi-110002.
3. Sanitation Superintendent
North Municipal Corporation of Delhi
Civil Line Zone, 16, Raj Pur Road
Delhi-110054.

....Respondents

O R D E R (By Circulation)

This Review Application (RA) has been filed by the applicant, who was also applicant in OA No.952/2018, seeking review of the Tribunal's order dated 26.03.2018 in the said OA. The applicant had prayed for the following reliefs in the OA:

“a. To direct the respondents to release the Pension, Gratuity, Provident Fund, Insurance and other retirement benefits to applicant including arrear of pension;

b. To direct the respondents to pay interest @18% per annum for the period of delay on delayed payments of superannuation dues of applicant from the date of retirement of applicant, i.e. 31.03.2017.”

2. While disposing of the OA by the *ibid* order, the Tribunal took cognizance of the fact that all retiral dues, viz. leave encashment, DCRG, commutation of pension have been released to the applicant and his regular pension has also been fixed. It was also noted that Pension Payment Order (PPO) has been issued to the applicant, a copy of which was placed on record. Thus, it was noted by the Tribunal that the reliefs prayed for have already been granted by the respondents and as such the OA has become infructuous and was accordingly disposed of.

3. The applicant while acknowledging the receipt of the retiral dues, as mentioned hereinabove, has stated that he was also entitled for Death Relief Fund (DRF), Group Insurance Scheme (GIS), Group Link Insurance Scheme (GLIS), arrears of pension and General Provident Fund (GPF) which are not released to him by the respondents. He has prayed for release of these benefits to him in the RA.

4. It is noticed that the applicant has not specifically mentioned about DRF, GIS, GLIS in the relief clause of the OA nor was it pleaded during the course of the arguments by his learned counsel

specifically. Moreover, the applicant has not pointed out any apparent error on the face of the order under review.

5. It is settled law that *sine qua non* for review of an order is existence of an error apparent on the face of the record of the order. In the instant case the review applicant has failed to point out any apparent error on the face of the Tribunal's order.

6. On the power of the Tribunal to review its own orders, the Hon'ble Supreme Court has laid down clear guidelines in its judgment in the case of **State of West Bengal & others Vs. Kamal Sengupta and another**, [2008 (3) AISLJ 209] stating therein that *"the Tribunal can exercise powers of a Civil Court in relation to matter enumerated in clauses (a) to (i) of sub-section (3) of Section (22) of Administrative Tribunal Act including the power of reviewing its decision."*

At Para (28) of the judgment, the principles culled out by the Supreme Court are as under:-

"(i) The power of 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) of 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 specific grounds

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as a error apparent in the fact of record justifying exercise of power under Section 22(2) (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 a larger bench of the Tribunal or of a superior court

(vii) A decision/order cannot be reviewed under Section 22(3)(f).

(viii) 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.

(ix) 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.”

7. For the reasons discussed in the foregoing paras, I do not find any merit in the RA. Accordingly, the RA is dismissed in circulation. The review applicant, however, is given liberty to make a representation to the respondents in respect of any benefits as are due to him but have not been released by the respondents.

(K.N. Shrivastava)
Member (A)

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