

**Central Administrative Tribunal
Principal Bench, New Delhi**

R.A. No.111/2018
MA No.3198/2018
MA No.3199/2018
O.A. No.368/2016

New Delhi this the 1st day of August, 2018

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

National Insurance Company Limited
Delhi Regional Office
Jeevan Bharti, Tower 2
Level 4, 124, Connaught Circus
New Delhi – 110 001

-Review Applicant

-Versus-

1. Smt. Manju Devi, age 40
Widow of late Shri Rishipal, Fireman
r/o Village Bhaivapur, Ladot
District Rohtak, Haryana
2. Govt. of NCT of Delhi through
Chief Secretary, Players Building
ITO, Secretariat, New Delhi
3. Director
Delhi Fire Service
Govt. of NCT of Delhi
Head Quarter, Connaught Place
New Delhi – 110 001

..Respondents

O R D E R (By Circulation)

This Review Application (RA) has been filed by the review applicant, who was respondent no.3 in OA, under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, seeking

review of this Tribunal's order dated 06.03.2018 in OA No.368/2016, which was disposed of with a direction to the respondents to pay interest @8% per annum to the applicant on the amount of Rs.5 lacs from 01.09.2009 to 20.03.2015. It is clarified that the interest is to be paid out of the fund, which is operated by respondent no.3 (review applicant herein) on behalf of respondents Nos.1&2 within a period of three months from the date of receipt of a copy of the order.

2. The review applicant has pleaded the following important grounds for seeking review of the Tribunal's order dated 06.03.2018 passed OA No.368/2018:

i) The Hon'ble Tribunal failed to appreciate and consider the fact that there is no fund which is being operated by the review applicant – National Insurance Company Ltd for and on behalf of respondent nos. 2 and 3.

ii) The Tribunal ought to have appreciated and considered the fact that there was no delay in processing the claim of the applicant in OA (respondent no.1 herein) as the review applicant had received the complete set of documents for processing the claim on 16.12.2014 and the payment was released within 1-1/2 months, i.e, on 28.01.2015.

iii) The Tribunal ought to have appreciated and considered the fact that in no way any liability of payment of interest should have been fastened on the review applicant-Insurance company.

3. I have perused the grounds raised by the review applicant in the RA. A mere reading of these grounds and other points raised in the RA would give an impression as though the review applicant has tried to re-argue the case. As a matter of fact, the RA appears to be in the nature of an appeal, which is not permissible under law.

4. The *sine qua non* for reviewing any order of the Tribunal is existence of an apparent error on the face of the record. The review applicant has failed to point out any error apparent on the face of the order under review.

5. 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.”

6. For the reasons discussed in the foregoing paras, I do not find any merit in the RA. Accordingly, the RA is dismissed in circulation.

7. Consequently, no separate orders are required to be passed in MA Nos.3198 and 3199 of 2018, which are accordingly disposed of.

(K.N. Shrivastava)
Member (A)

‘San.’