

RA.No.170/00041/2017(OA.No.978/2015)/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.170/00041/2016 IN ORIGINAL APPLICATION
NO.170/00978/2015

DATED THIS THE 18th DAY OF SEPTEMBER, 2017

HON'BLE JUSTICE SHRI HARUN UL RASHID, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

1. Union of India
Represented by Secretary
Department of Posts
Dak Bhavan, New Delhi-110 001.
2. Superintendent of Post Offices
Bidar Division, Bidar-585 403.
3. The Assistant Supdt. of Post offices
Bidar Sub Division, Bidar-585 403. ..Review Applicants/Respondents

(By Advocate Shri K.Gajendra Vasu)

Vs.

Kum.Vinoda
D/o Shri.Vittal Rao
Aged about 29 years
Residing at:
Shastri Nagar Colony
Mailoor, Bidar-585 403. Review
Respondent/Applicant

O R D E R (BY CIRCULATION)

(PER HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (ADMN))

This review application has been filed seeking a review of the order dated 20.09.2016 passed in OA.No.978/2015 by this Tribunal whereby a direction was given to the respondents to consider appointment to the applicant therein to the post of GDS Packer subject to verification of her original documents including caste certificate etc. within a period of three months.

2. The review applicants in the review application have made the same contention as was made in the original application saying that the validity of the select list had expired by the time of termination of the then incumbent. In view the same, the applicant cannot be considered for appointment. The vacancy has been reported to CPMG for notification and is yet to be notified. They have also referred to a judgment of the Hyderabad Bench of the Tribunal saying that the based on their direction, a select panel is maintained for one year from the date of finalization of selection. They have also referred to another order of this Tribunal in OA.No.276/2015 saying that the said OA was dismissed on the ground that the appointment from a ranked list after it had expired is not permissible.
3. The review applicants have also filed an MA for condonation of delay of 69 days in filing the above RA. However it is noted that though the review application was filed in January, 2017 without any MA for condonation of delay and it was pointed out by the Registry, they took nearly 7 months to file an MA for condonation of delay.
4. We note that in the reply statement filed in OA.No.978/2015 as well as during the hearing, the Ld.Counsel for the review applicants/respondents had raised the same contention that the validity of the panel was only for one year and it had already been over by the time of the service of Sri Dhanraj(incumbent) was terminated. Since the panel was no longer valid, the applicant could not be considered for appointment.
5. We had duly considered the above aspect highlighted by the respondents and mentioned the reason as to why the applicant could not be deprived of her right in the selection process and appointment to the post of GDS by the

RA.No.170/00041/2017(OA.No.978/2015)/CAT/Bangalore Bench authorities saying that the panel is no longer valid. Therefore, no new element has been brought out by the review applicants in the review application than what had already been raised by them when the OA was taken up for consideration.

6. It is well settled position that review of an order passed by the Administrative Tribunal can be made only on the following circumstances, as enumerated by the Hon'ble Apex Court in *State of West Bengal & others v. Kamal Sengupta and another* (2008) 2 SCC (L&S) 735:

- 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 fact 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 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. No new point has been raised by the review applicants/respondents now than what had already been stated during the consideration of the OA and had already been taken into consideration while deciding the matter. Therefore, we do not find any merit in the present review application. Therefore, we are

inclined to dismiss the RA as being devoid of any merit.

8. Consequently, the RA stands dismissed. No order as to costs.

(P.K.PRADHAN)
MEMBER (A)

(JUSICE HARUN UL RASHID)
MEMBER (J)

/ps/

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Annexure-RA1: Copy of order dtd.20.9.2016 passed in OA.No.978/2015 by this Tribunal

Annexure-RA2: Copy of order dtd.5.10.2016 passed in OA.No.276/2015 by this Tribunal
