

RA.No.170/00043/2017(OA.542-543/2013)/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.43/2017 IN ORIGINAL APPLICATION NO.542-543 of
2013

DATED THIS THE 30TH DAY OF OCTOBER, 2017

HON'BLE SHRI DR.K.B.SURESH, MEMBER (J)

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

1. Ateeq Ahmed
Aged 41 years
S/o. late Abdul Jabbar
Ex-contingent Watchman
V.V.Mohalla Post Office, Mysore.
Now residing at
Door No.145, 7th Cross
Ilahi Masjid, Near Udayagiri, Mysore City.

2. N.Basavaraj
Aged 44 years
S/o Sri Nanjappa
Ex Night Watchman
Laxmipuram PO, Mysore City.
Now residing at
Male Mahadeswara temple Complex
PTC Compound, M.M.Road
Nazarabad, Mysore-10.

..... Review Applicants

(By Advocate Sri B.S.Venkatesh Kumar)

Vs.

1. Sr. Superintendent of Post Offices
Mysore Division
Mysore-576 008.

2. The Post Master General
Palace Road
Bangalore-560 001.

3. The Union of India through
The Secretary
Department of Posts, Dak Bhavan
New Delhi-110 001.

....Respondents

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

01.08.2017 passed in OA.No.542-543/2013 by this Tribunal. The only contention that has been taken in the RA is the Tribunal had not considered several judgments which have been produced at the time of final hearing of the OA. The review applicants have particularly referred to OA.No.118/2011 saying that the applicant therein approached this Tribunal when he apprehended that the respondents were contemplating to terminate his service and obtained an order of status quo and the applicant therein continued in service and ultimately this Tribunal directed grant of temporary status to him. In the RA the applicants have only referred to the observation of the Tribunal in its order that there has not been any regular appointment of the applicants as casual labourers and that there is no document to show their continued engagement by the respondents, but they have not produced any new facts to the contrary. They have also referred to the observation in the order that 'though the applicants were discontinued in May, 2011, they waited for two years for approaching the Tribunal which is indicative of the fact that they might not be engaged on a regular basis' but have not produced any evidence of their initial appointment or continued engagement.

2. We have carefully considered the submissions made in the review application. No new fact has been brought out other than what has been considered while passing the order dated 1.8.2017. The order clearly brought out the grounds on which the applicants' contention for regularisation and the scheme of Casual Labourers(Grant of Temporary Status and Regularisation) did not merit any consideration.
3. 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*

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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.”

4. No new point has been raised by the review applicants 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.

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

(P.K.PRADHAN)
 MEMBER (A)

(DR.K.B.SURESH)
 MEMBER (J)

/ps/

Annexures referred to by the review applicants in RA.170/00043/2017

Annexure-RA1: Copy of order dtd.1.8.2017 passed in OA.No.542-543/2013 by this Tribunal
