

RA.No.170/00050/2017(OA.364/2017)/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.170/00050/2017 IN ORIGINAL APPLICATION NO.364
of 2017

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. DQA Group 'B' Technical Officers Association
represented by its General Secretary
M.Saravanan, S/o.R.Munirathnam
Aged about 50 years, No.29, Santrupthi
5th Cross, Giddappa Block, Ganga Nagar
Bangalore-560032.
2. M.G.Srihari
S/o Gururaja Rao
Aged about 57 years
4/9, Gunata Vihar
DGQA Residential Complex
JC Nagar, Bangalore-560006.
3. M.Parventhan
S/o.D.Muthu
Aged about 50 years
No.613, 7th Main
6th Cross HAL 3rd Stage
Bengaluru-560075.
4. S.Surya Prakash Raju
S/o.K.Shankara Raju
Aged about 52 years
93, 4th Cross, 3rd main, 1st Stage
BEML Layout, Basaveshwara Nagar
Bangalore-79.
5. Shashidhara Rao Jadav
S/o Late Appanna Rao Jadav
Aged about 57 years
6, 3rd Main Road, Ganesha Block
Sultanpalya, RT Nagar PO
Bangalore-560032.
6. D.Suparna
S/o.Late B.Doreswamy
Aged about 52 years
152, 8th Cross, CIL Layout
Cholanayakanahalli RT Nagar PO
Bangalore-560032.
7. N.Vidyakumari

W/o.PS Subramanya
Aged about 57 years
31, 1st Cross, Telecom Layout
SC Nagar Post, Bangalore-560064.

8. RK.Srikanth
S/o.RS Krishna Iyengar
Aged about 58 years
8, 3rd Main, Maruthi Extn., SR Puram
Bangalore-560021.

9. Mary Stella
W/o YNS Raj
Aged about 56 years
168, KBAR Road, Austin Town
Bangalore-560047.

10. S.Nagaraja
S/o A.Sundar Raj
Aged about 52 years
29, 1st Main, 3rd Cross, MSR Nagar
Mathikere
Bangalore-560054.

11. A.Ramachandra Murthy
S/o.late NV Anantharamaiah
Aged about 54 years
892/71, 1st Floor, 4th Main, 4th Cross
Vijayanagar, Bangalore-560040.

12. M.Narasimha Murty
S/o.Mallaiah
Aged about 42 years
6/5, Gunata Vihar
DGQA Residential Complex
JC Nagar, Bangalore-560006.

13. Ajay Singh
S/o.Late Chinna Babu
Aged about 42 years
6/5, Gunata Vihar
DGQA Residential Complex
JC Nagar, Bangalore-560006.

14. CR Navakiran
S/o.CV Ramachandra
Aged about 56 years
No.202,CQAL Layout
Sahakarnagar, Bangalore-560092.

15. V.Srinivas
S/o.Late M.N.Venkata Subba Rao

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Aged about 44 years
 'Lakshmivenkateshwara Nilaya'
 Opp.Municipal Park, Municipal Layout
 Siddaganga Extension
 Tumkur-572102.

16. A.Poovanandam
 S/o.V.Arumugam
 Aged about 36 years
 12/01, Gunata Vihar
 DGQA Residential Complex
 JC Nagar, Bangalore-560006.

17. K.L.Gayathri
 H.K.Nagamanjesh
 Aged 37 years
 No.442, 8th Main, 1st Block
 HRBR Layout
 Kalian Nagar
 Bangalore-560043.

.....Applicants

(By Advocate Sri B.Sheik Mourthuja)

Vs.

1. Union of India
 Rep by its Secretary
 Ministry of Defence
 Room No.101-A, South Block
 New Delhi-110011.
2. The Secretary (Defence Production)
 Room No.136, South Block
 New Delhi-110 011.
3. Director General
 DGQA, Room No.308-A, D-1 Wing
 Sena Bhavan
 New Delhi-110011.
4. Additional DGQA (L)
 Room No.34, G Block
 HQ DGQA, Nirman Bhavan PO
 New Delhi-110011.
5. Additional DGQA (R&S)
 HQ DQA (R&S)
 DGQA Complex
 Manovikasnagar
 Secunderabad-500 009.
6. Controller
 Controllerate of Quality Assurance Electronics

PO Box No.606
J.C.Nagar Post
Bangalore-560 006.

7. Controller
Controllerate of Quality Assurance Radars
PO Box No.606
J.C.Nagar Post
Bangalore-560 006.

8. SQAO
Senior Quality Assurance Establishment(L)
DGQA Complex, SK Garden
Benson Town
Bangalore-560046.

....Respondents

O R D E R (BY CIRCULATION)

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

This review application has been filed seeking review of the order dated 17.10.2017 passed in OA.No.364/2017 by this Tribunal. The review applicants submitted that new Rotational Transfer Policy which was applicable for all the non-technical and technical Group-B officers and which was circulated on 24.11.2016 was not challenged by them but subsequent amendments carried out by the respondents violating the Article 14, 16 & 38 of Constitution of India is challenged by them in OA.364/2017. But the OA is dismissed by the Tribunal without appreciating the points made by them. MA filed by the applicants for seeking relief was also not considered at the time of hearing. The movement orders of transfer to the applicants in the middle of the academic year have also posed problem to them. They have also mentioned that the respondents have filed a petition in PT No.261/2017 before the Principal Bench of the Tribunal for transfer of OA.No.364/2017 from Bangalore Bench which was posted for hearing on 17.11.2017. However, without considering the said issue, the Tribunal have dismissed the OA. Therefore, they submitted the present review application for a review of the

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order dtd.17.10.2017 passed in OA.No.364/2017.

2. We have gone through the review application. No additional facts other than what was submitted by the review applicants in the main OA have been cited in the present review application. Initially there was an interim order of stay of the transfer order which was vacated vide order dated 21.9.2017. The applicants had filed an MA for keeping abeyance the movement orders of the applicants on the date of hearing. However, since the main OA was taken up for final hearing on that day, it was submitted by the applicants themselves during the hearing that the MA is no longer relevant at that juncture. This has also been specified in para-4 of the order itself.

3. In the review application, the applicants have now referred to a transfer petition filed by the respondents before the Principal Bench for transfer of the OA from the Bangalore Bench to the Principal Bench. This fact was not mentioned either by the applicants or by the respondents during the hearing. Moreover the respondents had filed transfer petition and not the applicants. Hence the applicants cannot agitate against the order itself citing the fact as a ground.

4. 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."

5. On going through the review application, we notice that no new point has been brought out by the review applicants other than what had been highlighted in the main OA and which had already been taken into consideration while passing the order dated 17.10.2017. 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.

6. 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.170/00050/2017

Annexure-RA1: Copy of order in OA.No.364/2017

Annexure-RA2: Copy of movement order of Sri M.Saravanan

Annexure-RA3: Copy of movement order of Sri M.Parventhan

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Annexure-RA4: Notice from Hon'ble CAT, Principal Bench
