

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**MA No.060/01280/2018 &
R.A.No.060/00050/2018 in
O.A.NO. 060/00762/2018**

Date of order:- .9.2018.

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs. P.Gopinath, Member (A).

1. Union of India through its Secretary, Department of Post Offices, Sanchar Bhawan, Civil Secretariat, New Delhi (110001).
2. Post Master General, Haryana Circle Ambala, District Ambala(134003) Haryana.
3. Superintendent of Post Office, sector 18, Thanesar, Kurukshetra (136118), Haryana.
4. Superintendent of Post Officer, Kunjpura Road, Karnal (132001), Haryana.

Review applicants.

Versus

1. Lal Singh Chauhan son of Sh. Daulat Ram, age 68 years, resident of House No. 1318, Sector 7, Kurukshetra (136118) Haryana.
2. Shiv Kumar son of sh. Mamu Ram, age 66 years, resident of Kalayat, District Kaithal (136027) Haryana.
3. Chander Bhan son of sh. Jati Ram, age 63 years, resident of village and Post Office Dhanauri, Tehsil Narwana, District Jind (126116), Haryana.
4. Mangat Ram son of Sh. Beera Ram, age 64 years, resident of Ward No. 9, Salimpur, Post Office Guhla, District Kaithal (136027), Haryana.
5. Ramphal Singh son of Sh. Tara Chand, age 63 years, resident of House No. 1612, Ward No. B-6, Jyoti Nagar, District Kurukshetra (136118) Haryana.
6. Rajbir son of Sh. Rati Ram, age 62 years, resident of village Dudhi, P.O. Barot, Tehsil Ladwa, District Kurukshetra (136118) Haryana.
7. Chander Pal son of Sh. Badlu Ram, age 63 years, resident of VPO Popran via Asand, District Karnal (132039) Haryana.

...Respondents.

ORDER**Hon'ble Mr. Sanjeev Kaushik, Member (J):**

Misc. Application No.060/01280/2018 has been filed for condonation of 4 days delay in filing the present Review Application. For the reasons stated in the Misc. Application, the same is allowed and delay of 4 days in filing the present RA is condoned.

2. Present Review Application has been filed by the review applicants i.e. Union of India under Section 22(3)(f) of the Administrative Tribunals Act, 1985, read with Rule 24 of the C.A.T. (Procedure) Rules, 1987, for review of order dated 4.7.2018 on the ground that as per Section 19 (3) of the Administrative Tribunals Act, 1985, the Tribunal should have issued notice of motion, invited reply from respondents, and then decided the claim of applicants instead of allowing it on the first date of hearing itself, which is no ground to seek a review.

3. While disposing of the O.A. 4.7.2018, the Bench has only directed the respondents to re-consider and decide the claim of the applicants for grant of benefit of financial up-gradation under the MACP Scheme in view of the judicial pronouncements noted therein and the fact that the review petition filed in the SLP has already been dismissed.

4. So the respondents were to re-consider the case of the applicants, in the light of the decisions mentioned therein and to pass fresh order and if the applicants are similarly situated to the applicants as mentioned in the case D.Shivkumar versus Union of India & Ors(O.A.No.1088 of 2011) passed by the

Chennai Bench of the Tribunal, they were to be granted the relevant benefits, otherwise a reasoned and speaking order was to be issued in accordance with law. However, instead of adopting that course of action, they have filed this R.A. as if they are filing an appeal before a higher court of law, instead of considering the matter departmentally and passing an order on the claim of the applicants, in terms of the indicated direction.

5. Therefore, no ground, much less cogent, is made out to review our order dated 4.7.2018, as the respondents were to carry out the re-consideration only and pass necessary orders on the claim of the applicants.

6. Undisputedly Order 47 Rule 1 CPC, 1908 provides that a decision or judgment is open to review only if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a long process of reasoning, can hardly be said to be an error apparent on the face of the record justifying a court of law to exercise its power of review. In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be 'reheard and corrected'.

7. Even the Hon'ble Apex Court in Civil Appeal No. 1694 of 2006 titled **The State of West Bengal & Ors. Vs. Kamal Sengupta & Ors.** decided on 16.6.2008 has laid down the following guidelines while allowing the Review Application :-

“(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 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 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 face 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."

The grounds raised in this RA are not in accordance with the scope of review as has been enunciated by the Apex Court in the case of

Thungabhadra Industries Ltd. Vs. The Government of Andhra Pradesh, AIR 1964 SC 1372:-

"A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. We do not consider that this furnishes a suitable occasion for dealing with this difference exhaustively or in any great detail, but it would suffice for us to say that where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out."

There is no error apparent on the face of the record in the order dated 4.7.2018.

9. In view of above discussion, we find that there is no merit in the review application and the same is accordingly dismissed by circulation.

(SANJEEV KAUSHIK)
MEMBER (J).

(P.GOPINATH),
MEMBER(A).

Dated:- 9.2018.

Kks

