

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

Chandigarh, this the 15th day of January, 2019

Review Application No.060/00074/2018

In

O.A.No. 060/00241/2018

Subhash Chander & Ors.

.....Review Applicants

VERSUS

UOI & Ors.

.....Respondents

ORDER (in circulation)

HON'BLE MRS. P. GOPINATH, MEMBER(A):-

1. This RA has been filed under Section 22(3) (f) of the AT Act, 1985 seeking review of order dated 05.12.2018 passed in OA. No. 060/00241/2018.

2. I have carefully perused the grounds taken in this RA, the content of OA No. 060/00241/2018, and the order dated 05.12.2018 which is the subject of review. The issue raised by applicant in support of pay fixation and subsequent fixation of pension as prayed for has been addressed in the 05.12.2018 judgment pronounced in the above OA. All the matters raised in RA have already been considered on merit and addressed on the basis of arguments & written submissions made and rejected by this Tribunal in its order of 05.12.2018. It is now a well settled principle of law that the scope for review is rather limited, and it is not permissible for the Bench, hearing the review application, to act as an Appellate Authority in

respect of an original order, by a re-hearing of the matter to facilitate a change of opinion.

3. The present RA does not satisfy the criteria prescribed by the Hon'ble Apex Court for allowing an RA as held in Civil Appeal No. 1694 of 2006 titled the **State of West Bengal & Ors. Vs. Kamal Sengupta & Ors.** decided on 16.6.2008 wherein the Hon'ble Apex Court has laid down the following guidelines:-

- “(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.”

4. Keeping in view the above guidelines as laid down by the Hon'ble Supreme Court, I see no reason to review the order dated 05.12.2018 passed in O.A. No. 060/00241/2018, as there is no error in the judgment that is apparent on the face of the record, and the applicant's insistence that order dated 05.12.2018 must be reviewed amounts to asking the Tribunal to sit in appeal over its own order or to rehear the matter already adjudicated.

5. In view of the above, this R.A. is rejected.

(P. GOPINATH)
MEMBER (A)

Dated: January 15th, 2019.

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