

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

R.A.No.260/2/2019

Date of Reserve: 19.02.2019

Date of Order: 27.03.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Sri Kishore Chandra Dhal, aged about 38 years, S/o. Of late Harish Chandra Dhal, presently working as GDSBPM, Kendua B.O., of Vill-Chhelikani, PO-Sanasarasposi, PS-Kuliana, Dist-Mayurbhanj-757 002.

...Applicant

By the Advocate(s)-M/s.S.K.Ojha
S.K.Nayak

-VERSUS-

Union of India represented through:

1. The Director General, Department of Posts, Government of India, Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751 001.
3. Supt. of Post Offices, Mayurbhanj Division, Baripada, Dist-Mayurbhanj-757 001.

...Respondents

By the Advocate(s)-Mr.S.Behera

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

This Review Application has been filed by the applicant in O.A.No.260/947/2014 seeking review of order dated 19th December, 2018 dismissing the said O.A. on merit. The ground urged by the review applicant is that this Tribunal came to such a conclusion due to wrong appreciation of facts as well as non-consideration of relevant documents by holding that the applicant is not similar to that of Shri Deepak Kumar Naik and since the findings of the Tribunal are based on incorrect facts, the order dated 19th December, 2018 in O.A.No.260/947/2014 should be reviewed. According to

review applicant, whereas he was appointed as against the post of GDSBPM vide order dated 24.12.2009, Shri Deepak Kumar Naik was also appointed as GDSBPM vide order dated 19.12.2008. Further, both of them joined the post of GDS posts. Basing on the subsequent order of this Tribunal Shri Naik, was further appointed to the post of Postal Assistant whereas the case of the review applicant was not considered by the respondents. Therefore, claiming similar treatment, the applicant had approached this Tribunal in O.A.No.260/947/2014 which was dismissed by this Tribunal due to wrong appreciation of facts. Hence, this Review Application.

2. We have considered the submissions made by the learned counsel for the review applicant and the learned counsel for the respondents at great length and perused the records.

3. In a catena of judgments, the Hon'ble Apex Court has held that the scope of review is very limited. The merits of the case cannot be reopened in a review application and it cannot be re-adjudicated.

4. Similarly, it has been held by the Hon'ble Apex Court in Chandra Kanta and another Vs. Sheikh Habib [AIR 1975 SC 1500] that : –

“A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obvious insufficient.”

5. Further in *Meera Bhanja Vs. Smt. Nirmala Kumari Choudhury* [AIR 1995 SC 455], the Hon'ble Supreme Court has held as under:-

“Error apparent on face of record, means an error which strikes one on mere looking at record and would not require any long drawn process of reasoning on points where there may conceivably be two opinions.”

6. In the case of Subhash Vs. State of Maharashtra & Anr.(AIR 2002 SC 2537), it has been emphasized that court should not be misguided and should not lightly entertain the review application unless there are circumstances falling within the prescribed limits that the Courts and Tribunal should not proceed to reexamine the matter as if it was an original application before it for the reason that it cannot be the scope of review.

7. From the averments made, it is quite clear that by dint of this Review Application, the applicant wants to reopen and re-adjudicate on merit, which is in our considered opinion, is not within the scope of the settled principles of law on the subject as enunciated by the Hon'ble Supreme Court, cited supra. However, it is to be noted that in the R.A., the applicant has pointed out that in Paragraph- of the final order dated 19.12.2018, the name of Shri Deepak Naik has been wrongly mentioned as Deepak Rout. Accordingly, it is directed that at Para-7 of the final order, the surname 'Rout' be corrected to "Naik" and corrected copy of the order be handed over to learned counsels for both the sides.

8. With the above direction, the R.A. is dismissed. No costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

BKS

