

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Review Application No.290/00003/2019
In OA No. 290/00437/2016**

Date of Order: 25th February, 2019

CORAM

Hon'ble Mrs. HINA P.SHAH, Judicial Member

Prakash Chandra Bothra S/o Shri Chintamandas, aged about 66 years, R/o Dhani Bazar, Barmer-344001.

..Applicant

(By Advocate: Shri T.C. Gupta)

Versus

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Government of India, New Delhi-110001.
2. Superintendent of Post Offices, Churu Division, Churu-331001.

..Respondents

ORDER (By Circulation)

The present Review Application has been filed for review of order dated 01.11.2018 passed in OA No. 290/00437/2016 whereby OA filed by the review-applicant was dismissed on merits.

2. I have gone through pleadings made in the Review Application and grounds raised therein for review. By way of instant review application, applicant sought to re-appreciate the facts and documents relied upon in the order under review, which would amount to reopening of merits of the case. It would be pertinent to mention here that the scope of review is very limited and the applicant cannot seek review of the order on merits as it is beyond the scope of review.

3. The scope of review has been considered by the Hon'ble Apex Court in the case of **State of West Bengal and Ors. Vs. Kamal Sengupta and Anr.**, reported in **(2008) 8 SCC 612** wherein in paragraphs 22 and 35, the Hon'ble Apex Court has held as under :-

22. The term “mistake or error apparent” by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3)(f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision.

35. The principles which can be culled out from the abovenoted judgments are:

- (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 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. While hearing the matter, this Tribunal has considered all the documents available on record including judgment of Hon'ble High Court dated 06.04.2017 and a specific view has been taken. Therefore, no scope for review is available as per Order 47 Rule 1 CPC and the judgment of Hon'ble Supreme Court cited in preceding paragraph.

5. Accordingly, Review Application is dismissed by circulation.

[Hina P. Shah]
Judicial Member

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