

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

RA No.11/2016 in  
OA 2394/2007

New Delhi this the 22nd day of February, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)  
Hon'ble Mr. S.N.Terdal, Member (J)**

Abhinandan Kumar  
Recruit Tax Assistant,  
S/o Suresh Kumar  
R/o VPO Ladpur, Delhi-81. .... Review Applicant

(By Advocate: Mr. Anil Singal)

**VERSUS**

1. Union of India through  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi.
2. Staff Selection Commission,  
Through its Chairman,  
C.G.O. Complex, Lodhi Road,  
New Delhi-110003.
3. Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi. .... Respondents

(By Advocate : Mr. S.M.Arif)

**ORDER (ORAL)**

**Hon'ble Mr. S.N.Terdal, Member (A):**

We have heard Mr. Anil Singal, counsel for review applicant and Mr. S.M.Arif, counsel for respondents and perused the pleadings and all the documents available on record.

2. The present Review Application is filed seeking review of the order passed by this Tribunal in OA No. 2394/2007 on 09.07.2008. The said OA was dismissed based on the OM dated 30.12.2004. The review applicant who was the applicant in the said OA had not

challenged the said OM dated 30.12.2004. Subsequently in OA 2809/2008 which was decided after 17 years of dismissal of his OA vide order dated 28.09.2015, the said OA No. 2809/2008 was allowed quashing the said OM dated 30.12.2004. From the perusal of the order dated 28.09.2015, it is clear that the applicants in the said OA no. 2809/2008 had specifically challenged the legality of the said OM and the said OM was set aside. Now the applicant has filed this review application for reviewing the order, as stated above, dated 09.07.2008. From the chronological of events stated above, it is clear that as on the date of impugned judgment dated 09.07.2008 the said OM was valid and applicant had not challenged it and as such the review applicant cannot take the advantage of a subsequent order delivered after 17 years seeking review of the order dated 9.07.2008.

3. In support of his contention the review applicant relied on the judgment of Hon'ble Supreme Court in the case of **K.C.Sharma and Others Vs. Union of India and Others** (1997)6 SCC 721). But, however, in view of the facts narrated above, the law laid down by the Hon'ble Supreme Court in the case of K.C.Sharma (supra) is not applicable in this case.

4. The scope of review lies in a narrow compass as prescribed under Order XLVII, Rule (1) of CPC. None of the grounds raised in the RA brings it within the scope and purview of review. It appears that the review applicant is trying to re-argue the matter afresh, as if in appeal, which is not permissible. If in the opinion of the review applicant the order passed by the Tribunal is erroneous, the remedy lies elsewhere. Under the garb of review, the review applicant cannot

be allowed to raise the same grounds, which were considered and rejected by the Tribunal while passing the order under review.

4. Existence of an error apparent on the face of the record is *sine qua non* for reviewing the order. The review applicant has failed to bring out any error apparent on the face of the order under review.

5. On the power of the Tribunal to review its own orders, the Hon'ble Supreme Court has laid down clear guidelines in its judgment in the case of **State of West Bengal & others Vs. Kamal Sengupta and another**, [2008 (3) AISL] 209] stating therein that "*the Tribunal can exercise powers of a Civil Court in relation to matter enumerated in clauses (a) to (i) of sub-section (3) of Section (22) of Administrative Tribunal Act including the power of reviewing its decision.*"

At Para (28) of the judgment, the principles culled out by the Supreme Court are as under:-

*"(i) The power of 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 specific grounds*

*(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as a error apparent in the fact of record justifying exercise of power under Section 22(2) (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 a larger bench of the Tribunal or of a superior court.*

(vii) *A decision/order cannot be reviewed under Section 22(3)(f).*

(viii) *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.*

(ix) *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.”*

6. For the reasons discussed in the foregoing paras, we do not find any merit in the RA. Accordingly, the RA is dismissed. No order is required to be passed in MA for condonation of delay.

**(S.N.Terdal)**  
**Member (J)**

**(Nita Chowdhury)**  
**Member (A)**

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