

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

RA/310/0014/2018 in OA/310/00884/2018

Dated the 29th day of July Two Thousand Nineteen

P R E S E N T

Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

K.V.Venkatachalam,
Retd. Postmaster,
5/530, Postal Colony-Phase 2,
Perur Chettipalayam,
Perur, Coimbatore 641010.
Party-in-person

.. Applicant/Applicant

Vs.

The Chief Post Master General,
Tamilnadu Circle,
Chennai 600 002.

.. Respondent/Respondent

ORDER (RA By Circulation)
(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

The applicant in OA 884/2018 has filed this RA 14/2018 seeking review of the order passed by this Tribunal in the above said OA dated 04.10.2018 alleging that there are patent errors apparent on the face of the record, in as much as this Tribunal has not considered the facts properly.

2. According to the applicant his appointment of the LSG has to be re-fixed and this Tribunal has not considered the same and has erred in dismissing the OA. According to him, the orders passed by the respondents, promoting him to the post of LSG is erroneous and was not properly done and it has to be reviewed.

3. We have carefully gone through the orders pronounced by this Tribunal in OA 884/18. On a perusal of the order passed in this case, we could not find any omission or patent error which requires any review as claimed by the applicant in this RA.

4. We have gone through the RA and it seems that the applicant wants to go into the merits of the matter and decide the matter again which is not permitted under the review. On a perusal of the OA, it can be seen that the applicant has filed OA 892/07 seeking a direction to promote him to the post of HSG-I from the year 2002-03 and the said application was allowed by this Tribunal and directed the respondents to consider the applicant for promotion on a notional basis with effect from the date of promotion of his juniors in the circle gradation list. On 30.4.08, before the order could be implemented, the applicant retired from service. The respondents also failed

to get a favourable order from the Hon'ble High Court and the SLP filed before the Hon'ble Apex Court was also dismissed on 10.10.2011. So, the respondents had implemented the order in OA 892/07 and the applicant was given notional promotion to LSG cadre w.e.f. 04.10.2001 and to HSG-II cadre w.e.f. 16.5.07 and adhoc promotion to HSG-I w.e.f. 16.6.07. His terminal benefits were also calculated and given. Subsequently the applicant filed OA 135/2012 before this Tribunal which was dismissed by order dated 23.1.2013. The applicant then filed RA 49/2013 and it was also dismissed by this Tribunal. The applicant WP 22839/14 before the Hon'ble High Court of Madras and the Hon'ble High Court has dismissed the same. On a perusal of the relief claimed in OA 884/18, it can be seen that the relief claimed in the said OA is substantially the same in OA 135/12 which was dismissed by this Tribunal. The OA was filed for re-fixing his date of promotion from 11.12.81 in LSG cadre and re-fixing the HSG-II w.e.f. 11.12.89 and HSG-I from 11.12.92. The OA 884/18 was dismissed as the same matter was also considered in OA 135/12 which was confirmed by the Hon'ble High Court of Madras. The applicant ought to have raised the issue in his earlier OA 892/07 itself which has become final now.

5. We have considered the plea raised in the RA. Eventhough he submits that there are patent errors, he has not succeeded in showing such patent errors. Much of the pleadings put forward in this RA were heard by this Tribunal and orders were passed. A re-appreciation of arguments is not contemplated in a review application. He has also not produced any material new which he could not produce before the Tribunal before it was heard. Therefore, the grounds taken in the present RA could

not be termed a subsequent discovery or something not in the knowledge of the RA applicant even after exercising due diligence. The case is, therefore, not fit to be taken up in review. We are of the view that since the matter has already been heard and disposed of by this Tribunal, no review is called for. No glaring omission, patent mistake or grave error is brought to our notice that would impinge on the observations/directions contained in the order in the OA. We are not inclined to reopen the case. Accordingly, RA 14/2018 is dismissed.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

29.07.2019

/G/