

## CENTRAL ADMINISTRATIVE TRIBUNAL

## CHENNAI BENCH

RA/310/00004/2017 in OA/310/00687/2012Dated 23<sup>rd</sup> day of September, 2019

## PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

and

Hon'ble Mr.T.Jacob, Administrative Member

Shri S.Srinivasan

Former P.A, HPO Dharapuram,  
C/o.Smt.S.Meerabai, F1 First Floor,  
AnupamVikram Apartments,  
17/9, Subramanian Nagar Second Street  
Rangarajapuram,  
KODAMBAKKAM,  
Chennai 600024.

....Applicant(Party-in-Person)

Vs

1. Union of India,rep. By

The Director(Mails SP &amp; FP)

Chennai – 600 006 and

The Appellate Authority for the Staff of the Western Region,  
(TN Circle) O/o. PMG Coimbatore- 641 002.

2. The Superintendent of Post Offices,  
Tirupur Division,  
Tirupur – 641 601.
3. Sri.A.Sundararajan  
(Formerly Asst. Superintendent of Post Offices,  
Pollachi North Sub Division Pollachi),  
(Upto 19.10.2008 and from 03.04.2009 to 14.06.2011) and  
Officiating leave vacancy. Supdt.  
Tiruppur (20.10.2008 to 01.04.2009) and  
The Postmaster (FROM June 2014) Erode HPO,  
Erode 638001 and now the Supdt. of Post Offices  
Dharmapuri Division  
DHARMAPURI- 636701. ....Respondents

By Advocate Mr. C. Kulanthaivel



**ORDER in RA**

This RA has been filed by the applicant in OA seeking review of the order passed by this Tribunal in OA.687/2012 dated 20.09.2016. on the ground that few important arguments, documents and records could not be submitted on 20.09.2016 and are being submitted through this RA to explain some of the major and important illegalities and procedural infirmities for review and reconsideration of the order.

2. We have heard the party-in-person and the counsel appearing on behalf of the respondents.
3. Omission to file the important documents or present important points at the time of arguments cannot be the justifiable grounds. It would have been a different matter that at the time of arguments reference to such documents is made and also establish that that despite earnest attempt, the documents could not be accessed.
4. The Apex Court in the case of Northern India Caterers Ltd., vs Lt. Governor of Delhi (1980) 2 SCC 167 had held as under:-



A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result.

5. 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 reargue 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, he cannot be allowed to raise the same grounds, which were considered and rejected by the Tribunal while passing the order under review. Existence of an error apparent on the face of the record is *sin 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.

6. 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) AISLJ 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)(j) 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 enumerate din 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 is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent in the fact of record justifying exercise of power under Section 22(2)(f).
- (v) An error 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.
- (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 the knowledge and even after the exercise of due diligence the same could not be produced before the Court/Tribunal earlier.”



The case of the Review applicant does not meet the requirement to justify review of the order in OA.687/2012 dated 20.09.2016.

7. For the reasons discussed in the foregoing paras, we do not find any merit in the RA. Accordingly, the RA is dismissed.