

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00031/2019 in
Original Application No. 180/00767/2016

Tuesday, this the 9th day of July, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Rema Paul, Accountant-II, Thiruvananthapuram General Post Office,
 Thiruvananthapuram – 695 001, Residing at T.C. 7/1129-2,
 Vattiyoorkavu PO, Thiruvananthapuram – 695 013,
 Mob. No. 8590448101. **Review Applicant**

(By Advocate : Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. Union of India, represented by the Secretary,
 Department of Posts, Dak Bhavan, New Delhi – 110 001.
2. The Chief Postmaster General, Kerala Circle,
 Thiruvananthapuram – 695 033.
3. APMG (Vigilance) & APMG (Staff),
 Office of the Chief Postmaster General, Kerala Circle,
 Thiruvananthapuram – 695 033.
4. The Senior Superintendent of Post Offices,
 Thiruvananthapuram North Postal Division,
 Thiruvananthapuram – 695 001.
5. Shri M. Mohandas, Senior Superintendent of Post Offices,
 Thiruvananthapuram North Postal Division,
 Thiruvananthapuram – 695 001.
6. The Superintendent of Post Offices,
 Thiruvananthapuram South Postal Division,
 Thiruvananthapuram – 695 036.
7. P. Suseelan, APMG (Vigilance) & APMG (Staff),
 Office of the Cheif Postmaster General, Kerala Circle,
 Thiruvananthapuram – 695 033. **Respondents**

O R D E R (By circulation)

Per: Ashish Kalia, Judicial Member -

This review application had been filed by the applicant in the OA No. 180/767/2016 which was dismissed by this Tribunal vide Annexure RA2 order dated 18.6.2019. The OA was filed by the applicant against the proposal of the respondents to transfer her from Thiruvananthapuram North Postal Division to Thiruvananthapuram South Postal Division.

2. This Tribunal after hearing the counsel appearing for the parties and perusing the records dismissed the OA holding that the conduct of the applicant in approaching the SSPO for grant of a particular favour cannot be appreciated by this Tribunal. It is also not understood why she waited for almost 5 months to report the matter to competent authority or to anyone and this incident is not a small thing. This creates doubt in the mind of anyone.

3. The apex court in *State of West Bengal & Ors. v. Kamal Sengupta & Anr.* - 2008 (2) SCC 735 has enumerated the principles to be followed by the Administrative Tribunals when it exercises the power of review of its own orders under Section 22(3)(f) of the Administrative Tribunals Act, 1985. They 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 a 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. By the present Review Application the case put forth by the review applicant is for re-consideration of the factual circumstance of the case which is not envisaged in the principles for review of the order as enumerated by the apex court in the aforecited dictum. In short, the review applicant seek a re-hearing of the case which is not contemplated under the power of review envisaged under Section 22(3)(f) of the Administrative Tribunals Act, 1985. Further no error apparent on the face of the record could be established by the review applicant.

5. In the light of the above decision and in view of the facts and circumstances of this case, we do not find any error apparent on the face of the record which would warrant review of this Annexure RA2 order.

Accordingly RA is dismissed. Consequently MA No. 180/617/2019 is also dismissed.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

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REVIEW APPLICANT'S ANNEXURES

Annexure RA1 – True copy of the hearing note submitted by the counsel for the applicant in OA No. 180/767/2016.

Annexure RA2 – True copy of the order dated 18.6.2019 in OA No. 180/767/2016 of the Hon'ble Tribunal.

Annexure RA3 – True copy of the notice for voluntary retirement submitted by the applicant.

RESPONDENTS' ANNEXURES

Nil

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