

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**Review Application No.021/00017/2019
In
Original Application No.21/00529/2017**

Date of Order:10.06.2019

Between:

A. Srikanth, S/o. late A. Vaidyanath,
Aged about 37 years, Occ: Unemployee,
R/o. D. No.4-7-3/9/1/B, Balajinagar,
Sangareddy – 502 001.

... Applicant

And

1. Bharat Sanchar Nigam Limited,
Rep. by its Chairman cum Managing Director,
Harischandra Mathur Lane, Janpath,
New Delhi – 110 001.
2. The Chief General Manager, Telecom,
Telangana Telecom Circle, BSNL,
Door Sanchar Bhavan, Abids, Hyderabad.
3. The General Manager Telecom District,
BSNL, Sangareddy, Medak District.

... Respondents

Counsel for the Applicant ... Dr. A. Raghu Kumar
Counsel for the Respondents ...

Mr. M.C. Jacob, SC for BSNL

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORDER (By Circulation)
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The RA is filed requesting review of the verdict of this Tribunal in OA 529 of 2017, dt.11.03.2019, in regard to compassionate appointment.
3. The operative portion of the verdict is as under:

“VI. In the present case, the respondents followed the rules framed in regard to compassionate appointment. A welfare inspector was deputed to verify the financial status and other

details of the applicants family. From the family size, age of the dependents, liabilities, family pension received it cannot be said that the applicant's family was living in penury. One more disturbing aspect that was noticed is that the applicant has represented repeatedly seeking compassionate appointment suppressing the information about his mother having an house in Sangareddy. Thus, as seen from the aforesaid facts and the observation of the Hon'ble Supreme Court in regard to compassionate appointment there is no valid and cogent reason to intervene on behalf of the applicant. Hence the OA is dismissed as there is no merit in the case, with no order as to costs."

4. As no hearing is considered necessary, the Review Application is being disposed under circulation as per Rule 17(3) of the C.A.T. (Procedure) Rules, 1987.

5. The contentions of the applicant are that the house shown to be in the name of the mother of the applicant is not true and he has appended the encumbrance certificate to testify the asserted fact. In a review application a new fact which was hitherto not brought out in the OA cannot be delved into. Besides, a responsible official of the respondents' organisation has verified as to the number of dependents of the deceased in accordance with the rules and regulations in vogue in the respondents organisation. The Tribunal, to decide an RA, is prohibited in entertaining material which was subsequently discovered after the judgment is delivered. It is common knowledge that the scope for review is limited in a review application unless there is a self evident error. In the present case we do not find any worthwhile permissible grounds to review the judgment.

6. *De facto*, as can be seen from the record, the relevant facts of the case have been taken into consideration and judgement delivered.

7. Besides, 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. [Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi, (1980) 2 SCC 167]. The review also does not fall under any of the categories prescribed by the Apex Court in the case of State of W.B. vs Kamal Sengupta (2008) 8 SCC 612 which are as under:-

35. The principles which can be culled out from the above noted 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.*

8. Based on the above observations of the Hon'ble Supreme Court, there are no qualified grounds which have been brought out in the review application to review the case. The details, as are required, have been comprehensively gone into, while delivering the judgment in the OA. Facts of

the case, in all respects and the rules prevailing have been reckoned and on merits the OA was dismissed.

9. Hence, there is no merit in the review application and is dismissed in circulation. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 10th day of June, 2019

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