

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

**RA/021/00025/2019
In
OA/021/001007/2016**

Date of Order: 20.08. 2019

Between:

B. Gopala Swamy, S/o. Sri B. Anjaiah,
Aged about 54 years, Occ: AE (QA),
O/o The Controller of Quality Assurance (HV),
Avadi, Chennai – 600 054, Tamil Nadu,
R/o. H.No.5-200, Janapriya, West City,
Near JPN Nagar, Miyapur, Hyderabad – 500 049, T.S.

... Applicant

And

1. The Union of India rep. by
Controller, Govt. of India,
Ministry of Defence (DGQA),
Controllerate of Quality
Assurance (Infantry Combat Vehicle),
Yeddu-mailaram, Medak District – 502 205, T.S.
2. The Controller of Finance and Accounts (Fys),
Ordnance Factory, Medak – 502 205, T.S.
3. The Senior Internal Audit Officer,
Regional Internal Audit Office (South),
OFPM, Medak, Yeddu-mailaram – 502 205, T.S.
4. The Controller of Quality Assurance (HV),
Avadi, Chennai – 600 054, Tamil Nadu.

... Respondents

Counsel for the Applicant ... Mr. K. Ram Murthy

Counsel for the Respondents ... Mr. M. Venkata Swamy, Addl. CGSC

CORAM:

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

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

2. The RA is filed seeking review of the judgment delivered by this Tribunal in OA 1007 of 2016, dt.09.04.2019. The operative portion of the verdict is as under:

"12. Learned counsel for the applicant submitted that the air fares do fluctuate based on demand. Besides, the Airlines being different, their charges are also different. The argument of the learned counsel for the applicant does not hold water since the difference is quite large. The respondents also submitted the original ticket issued by the Air India to the applicant on 22.1.2014 wherein the actual fare was indicated as Rs.10,542/- per passenger and the inflated ticket was issued in the name of the applicant on the same day, indicating the fare as Rs.53,132/-. Similarly, in respect of another ticket meant for travel from Hyderabad to Delhi, the fare of original ticket issued in the name of the applicant show the fare value as Rs.12,518/- and the inflated ticket was showing the value of Rs.49,966/-. Thus the respondents have enclosed evidence which proves that the applicant did make claims which were not genuine. Hence, for reasons stated above, the Tribunal finds no grounds to intervene. Hence, the O.A. is dismissed. Interim Order granted on 21.9.2016 stands vacated. No order as to costs."

3. 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.

4. The issue is about bogus claim of LTC. In the RA, applicant claims that the respondents have not produced any record evidencing that the amounts of the tickets were inflated. The judgment was based on the letter submitted by the respondents dated 26.3.2015 wherein they have enclosed the details of the original air ticket obtained from the airlines and the inflated ticket submitted. Besides, they have also enclosed all the rules and regulations regulating the LTC claim. Further, letter dt. 4.4.2019 addressed to the learned

Standing Counsel by the respondents was also taken into consideration while delivering the judgment. All the contentions and the material available on record were considered while passing the Order in the OA. Averments made in the RA have been gone into in detail and this Tribunal finds no ground to review the judgment already delivered. There is no error apparent on the face of the record warranting review.

5. Besides, the scope for review is limited in a review application unless there is a self evident error. In the present case, this Tribunal does not find any worthwhile permissible grounds to review the judgment.

6. Further, 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.*

7. Thus, based on the aforesaid circumstances and the law laid down by the Hon'ble Supreme Court, RA is devoid of merit and hence, merits dismissal and is accordingly dismissed, in circulation. No order as to costs.

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

Dated: the 20th August, 2019

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