

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.
RA/050/00033/2019
[OA/050/00485/2018]

Date of order : 24th July, 2019

C O R A M

Hon'ble Shri Jayesh V. Bhairavia, Member [Judicial]

The Union of India & Ors.	Applicants
By Advocate : Shri Kumar Sachin.	
Vrs.	
Dr. Kunoo Kumari Chourasia ...	Respondents
By advocate : None	

O R D E R

[Under Circulation]

Per Jayesh V. Bhairavia, Member [J]:- The instant Review Application bearing No. RA/050/00033/2019 has been filed to review the order passed by this Tribunal on 05.10.2018 in OA No. OA/050/00485/2018 on the ground that the applicant of the OA, Kanoo Kumari Chaurasia had approached the Tribunal with prayer to set aside the order dated 07.04.2017 and further prayed for order on regularization and payment of pension that has been sanctioned to her on retirement as contained in Annexure-A/4 of the OA, and since the case of the applicant, Dr. Kunoo Kumari Chaurasia was same and similar to the cases of Dr. Om Prakash Singh and Dr. Sunil Kumar Chaurasia, the applicants of OA No. 779 of 2016 which was decided by this Tribunal on 24th April, 2018 [Annexure-P/2], the OA No. 485/2018 ought to have been decided on the same line.

2. The Tribunal in its order dated 05.10.2018 passed in OA 485/2018 observed that :-

“22. In view of the above discussion, this OA is disposed of with the following orders/directions :-

[i] The impugned letter dated 07.04.2017 issued by the office of Divisional Railway Manager, E.C. Railway, Mughalsarai is quashed and set aside.

[ii] The applicant is entitled to operate her bank account and also entitle to receive her pension regularly as per the PPO No. 20157300600001dated 08.01.2015.

[iii] The respondent no.1 and 2 are directed to instruct the respondent no.3, i.e. Bank forthwith to allow the applicant to operate her account.

[iv] The respondents are restrained from any recovery with respect to sanctioned pension amount of the applicant and if any recovery is made, the same may be refunded to the applicant forthwith.

[v] No order as to costs.”

3. Perused the materials on record and it is noticed that both the aforesaid OAs are quite distinguishable. In OA 779/2016, Dr. Om Prakash Singh and Dr. Sunil Kumar Choudhary approached this Tribunal seeking the benefits of pension, gratuity, leave encashment, group insurance , retirement passes and medical facilities etc. claiming that similarly situated employee, Dr. Kunoo Kumari Chaurasia after superannuation was paid pension, Gratuity, leave encashment and extended the benefit of medical facilities and post retirement passes whereas these benefits were not extended to them.

3. We find that the Apex Court in the State of West Bengal & Ors. Vs. Kamal Sengupta and another, 2008 (3) AISLJ 209, vide para 28 of its judgment has held that the ingredients to be met in case of a review order has to be the following :

- (i) Power of Tribunal to review is akin to Order 47 Rule 1 CPC read with Section 114,
- (ii) Grounds enumerated in Order 47 Rule 1 to be followed and not otherwise,
- (iii) Any other sufficient reason appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

- (iv) Order cannot be reviewed on the basis of subsequent decision/judgment of co-ordinate larger Bench or superior Court,
- (v) Adjudication with reference to material which was available at the time of initial decision. Subsequent event/development is not error apparent.
- (vi) Mere discovery of new/important matter or evidence not sufficient ground for review. The party has to show that such matter or evidence was not within its knowledge and even after exercise of due diligence, the same could not be produced earlier before the Tribunal.

The Apex Court in **Gopal Singh vs. State Cadre Forest Officers' Association & Ors.**, (2007) 2 SCC (L&S) 819, has held that “a Tribunal cannot sit over its own judgment as an appellate authority.” It cannot write a second order. In a review reasons have to be given why a review is justified. Error apparent on the face of the record has to be justified.

4. Under the circumstances, we find no merit in the Review Application and the same is accordingly dismissed. The MA 449/2019 for condonation of delay in filing RA, is also dismissed.

Sd/-
[Jayesh V. Bhairavia]
Member [Judicial]

mps/-