

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

RA/021/00032/2019

In

OA/021/0639/2018

Date of Order: 01.10. 2019

Between:

G. Sikhamani S/o Daniel
Aged about 61 years,
Occ: Retired Loco Pilot
South Central Railway, Guntakal Division
R/o H.No.6-2-271, Secretariat Hills
Necknampur, Manikonda
Hyderabad – 500 089

.... Applicant

AND

1. Union of India,
Represented by the General Manager
South Central Railways, Rail Nilayam
Secunderabad – 110 001.
2. The Chief Operations Manager
South Central Railways, Rail Nilayam
Secunderabad – 110 001.
3. The Divisional Railway Manager
South Central Railway
Guntakal Division, Guntakal
Ananthapur District, AP.
4. The Senior Divisional Personal Officer
South Central Railway
Guntakal Division, Guntakal
Ananthapur District, AP.

... Respondents

Counsel for the Applicant : Mr. M.C.Jacob

Counsel for the Respondents: Mr. V.V.Narasimhan, SC for Railways.

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 639 of 2018, dt. 24.07.2019. The operative portion of the verdict is as under:

“(V) Accordingly, applicant is directed to represent to the respondents stating the grounds on which he is eligible for MACP citing the relevant provision governing the Scheme, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, on receipt of the representation, respondents may examine the same and dispose of it, as per extant rules, within a period of 12 weeks from the date of receipt of a copy of representation from the applicant.

With the above directions, the OA is disposed of with 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.

4. The contents of the RA have been gone through in detail and after considering the relevant facts and rules on the subject, it is observed that there is no error apparent on the face of the record. 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 grounds to review the judgment.

5. 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.

6. The Tribunal has come to the conclusion in the OA after considering the submissions made by both sides. Hence, keeping in view the observations made in the order in the OA and the law laid down by the Hon’ble Supreme Court *supra*, 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 1st October, 2019

evr