
(2025) 04 CAT CK 0367

In the Central Administrative Tribunal, Principal Bench, New Delhi

Case No : Review Application No. 62 Of 2025 In Original Application No. 4582 Of 2018

Chandra Pakash Saini & Ors.

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 02-04-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 22(3), 22(3)(f)
Central Administrative Tribunal (Procedure) Rule, 1987 — Rule 17, 17(1)

Citation : (2025) 04 CAT CK 0367

Hon'ble Judges : Dr. Chhabilendra Roul, Member (A); Ajay Pratap Singh, Member (J)

Bench : Division Bench

Final Decision : Dismissed

Judgement

Ajay Pratap Singh, Member (J)

1. This Review Application has been filed by the applicants under Section 22(3) of the Administrative Tribunals, Act 1985 read with Rule 17 of the CAT (Procedure) Rules, 1987 seeking review of Order dated 10.01.2025 passed by this Bench in OA No.4582/2018 vide which Original Application was dismissed being devoid of merits.

2. The present RA has been filed mainly on the grounds that –

(i) Order sheet dated 18.12.2024 reflects that recording factual matrix of the case, the applicants initially appointed against permanent posts of Box Porters (Loco) and had been working as outsourced contractual labours.

(ii) The judgments cited by the applicants have been referred but not applied in true perspective.

(iii) Applicants could not cite recent judgments in case of Shripal vs. Nagar Nigam decided on 31.01.2025 based on case of Jaggo Vs. Union of India decided

on 20.12.2024 by Hon'ble Apex Court.

(iv) Case was argued by Mr. G.D. Bhandari, Advocate on 18.12.2024 but recorded name of Mr. S.P. Sethi, Advocate resulted in delay in filing the present RA.

3. Undisputedly, the present RA has been filed on 21.02.2025 to review order dated 10.01.2025. The applicant has fairly admitted in para 18 of the RA that RA has been filed belatedly due to incorrect name of counsel for the applicants in the order dated 10.01.2025 and resulted in late filing of RA by couple of days. It is also not disputed that applicants have not filed any application for condonation of delay in filing the present RA.

4. The relevant provision germane to decide the present R.A. i.e. Rule 17 of CAT (Procedure) Rules, 1987 reproduced as under:-

"17 Application for review

(1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of order sought to be reviewed.

[Emphasis supplied]

5. As evident from above, Rule 17 is couched in negative form and disables from seeking review under Section 22(3)(f) of A.T. Act, 1985 in case review is not filed within 30 days of the receipt of the order sought to be reviewed.

6. So far as the present case is concerned, order dated 10.01.2025 passed in OA No.4582/2018 pronounced in the open court was uploaded on the website. As per record of this Tribunal, the certified copy was sent on 17.01.2025. The certified copy of the order dated 10.01.2025 has not been filed with the RA neither filed with RA Set-A nor in Set-B for the reasons best known to the counsel for applicants. But it is admitted case of the applicants in the RA has been filed belatedly.

7. We have perused the record of OA No.4582/2018 and it is on record as reflected from order sheets dated 02.09.2022, 16.11.2022, 20.02.2023, 24.03.2023, 12.03.2024, 13.08.2024, 09.11.2024 and 18.12.2024 that in aforesaid dates, Mr. S.P. Sethi, Advocate for applicants appeared for Mr. G.D. Bhandari, Advocate. The reason for delay is afterthought and averments in para 18 of the RA is not tenable and based on frivolous ground, hence, RA is untenable.

8. Admittedly, the RA has been filed beyond the period of limitation as prescribed under Rule 17 (1) of CAT (Procedure) Rules, 1987 and applicant has chosen not to file application for condonation of delay.

9. The peremptory command in the Rule 17(1) of CAT (Procedure) Rules, 1987 is that the power under Rule 17 is subject to condition of filing review application within 30 days from the date of receipt of Order beyond which, this Tribunal has

no power to entertain a review application, without application for condonation of delay, explaining sufficient cause to condone the delay in filing the R.A.

10. The counsel appearing in the present RA is well aware of the fact that present RA is barred by limitation prescribed under Peremptory Command in Rule 17(1) of Rules, 1987 and admitted in para 18 of the RA, but has neither bothered to file the application for condonation of delay nor any application for correction of name of the counsel for applicants.

11. The applicants are negligent in defending their cause as no application for condonation of delay has been filed in this RA and admittedly, the present RA has been filed beyond the prescribed period of 30 days from the date of receipt of certified copy of the order dated 10.01.2025 under review. The present RA is not maintainable being barred by limitation as applicants themselves not chose to file any application for condonation of delay in filing the RA and, therefore, no interference is warranted.

12. The another aspect of the matter on merit of the case in hand so far as grounds of review stated in the RA as evident from order sheet dated 18.12.2024, engaged against permanent posts and in order dated 10.01.2025 under review, as adumbrated by applicants factual aspects have been dealt in details in order dated 10.01.2025 and specifically in paragraphs 15 and 31 of order under review.

13. There is no dispute that each and every judgment cited by the applicants has been dealt and distinguished on facts of present case as well as on law in paragraphs 24 to 30 of order dated 10.01.2025. The RA filed by applicants is highly misconceived, RA is not panacea for addressing every perceived deficiency, we have considered every judgment and arguments raised by the counsel for the parties, allowing applicants contentions, would result in substituting the established view point based on Constitution Bench decision in case of Secretary, State of Karnataka Vs. Uma Devi (3) [(2006) 4 SCC 1. So also it is well settled in law that merely non-citing a judgment cannot be ground for review and well-considered judgment does not fall within the scope and ambit of review. So also held by Hon'ble Supreme Court in case of Sanjay Kumar Agrawal Vs. State Tax Officer (1) 2003 SCC OnLine SC 1406, decided on 31.10.2023.

14. We have dealt with the issue of regularization in light of principles of law laid down in Constitution Bench decision in case of Uma Devi (3) [supra] dealing carefully all the aspects in pleadings, arguments and judicial pronouncements on the subject and applicants failed to point out glaring mistake on facts "error of factor on law" and order under review does not fall within the scope and ambit of review.

15. Under order XLVII Rule 1 of CPC, a judgment may be open to review inter alia if there is a mistake or an error, which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review.

16. It is stare decisis that even when the order passed is wrong and erroneous, the Review Application would not be maintainable. It can be entertained only on the limited grounds, such as (a) there is an error apparent on the face of record, (b) some such documents, which could not be produced at the time of final adjudication despite due diligence, are brought to the notice of the court with Review Application and (c) there is some other sufficient reason, so far as present RA, no any such ground is available to the applicant.

17. So far as subsequent judgments cited of a superior court cannot be basis to review order as held by Hon'ble Supreme Court in case of State of West Bengal & Others Versus Kamal Sengupta & another, reported in (2008) 2 SCC (L&S) 735. Their Lordships considered the prevalent restrictions imposed upon the courts for undertaking a review of their own judgment and have consolidated the same, under paragraph 35, for ready reference reads as:-

"35. The principles which can be culled out from the above noted judgments are:

(i) The power of 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) of 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 specific 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(2)(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 a 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."

18. This Tribunal has passed detailed order dated 10.01.2025 in OA No.

4582/2018, after carefully going through the pleadings and arguments put forward by the parties, discussion and analysis made in detail and the review applicants are now trying to re-argue the matter, which is impermissible in law. So also law laid down by Hon'ble Supreme Court in case of State of Bengal & Ors. Vs. Kamal Sen Gupta & Ors. (supra) in paragraph 35 (vi) extracted hereinabove that a decision/order cannot be reviewed under Section 22 (3)(f) of A.T. Act, 1985 based on subsequent decision/judgment of the Tribunal or of a superior court. As such, on face of the record, there is no error apparent in the order dated 10.01.2025 passed in OA No.4582/2018 by this Tribunal warranting interference in exercise of the review jurisdiction. If in the opinion of the review applicants, the view taken by the Tribunal is erroneous, the remedy lies elsewhere.

19. In view whereof, the Review Application is accordingly rejected in circulation.

20. As a sequel thereof, pending Miscellaneous Application(s), if any, shall also stand disposed of.

21. No order as to costs.