

(2019) 08 CAT CK 0003

In the Central Administrative Tribunal

Case No : Review Application No. 133 Of 2019 In Original Application No. 1406 Of 2019

Dalsingh And Anr.

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 06-08-2019

Acts Referred:

Administrative Tribunals Act, 1985 — Section 22(3)(f)
Code Of Civil Procedure, 1908 — Section 167(2), Order 47 Rule 1

Citation : (2019) 08 CAT CK 0003

Hon'ble Judges : Ashish Kalia, J;Pradeep Kumar (A)

Bench : Division Bench

Advocate : Parvesh Kr. Basir

Final Decision : Dismissed

Judgement

Ashish Kalia, J

1. This review application had been filed by the applicants in the OA No. 1406 of 2019 which was disposed of by this Tribunal vide Annexure A1 order dated 7.5.2019. The OA was filed by the applicants against the action of the respondents in not granting the non-functional Grade Pay of Rs. 5,400/- to the applicants on completion of 4 years service in Grade pay of Rs. 4,800/-.

2. This Tribunal after hearing the counsel appearing for the parties and perusing the records disposed of the OA directing the respondents to consider the representation of the applicants and pass a speaking and reasoned order in terms of the judgment passed by the Hon'ble High Court and Hon'ble Supreme Court in the case of UOI v. Balbir Singh Turn.

3. The apex court in State of West Bengal & Ors. v. Kamal Sengupta & Anr. - 2008 (2) SCC 735 has enumerated the principles to be followed by the Administrative Tribunals when it exercises the power of review of its own orders under Section 22(3)(f) of the Administrative Tribunals Act, 1985. They 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 a 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."

4. By the present Review Application the case put forth by the review applicants is for re-consideration of the factual circumstance of the case which is not envisaged in the principles for review of the order as enumerated by the apex court in the aforecited dictum. In short, the review applicants seek a re-hearing of the case which is not contemplated under the power of review envisaged under Section 22(3)(f) of the Administrative Tribunals Act, 1985. Further no error apparent on the face of the record could be established by the review applicants.

5. In the light of the above decision and in view of the facts and circumstances of this case, we do not find any error apparent on the face of the record which would warrant review of this Annexure A1 order. Accordingly RA is dismissed.