

(2025) 12 CAT CK 1375

Central Administrative Tribunal

Case No: Review Application No. 180, 00007 Of 2025 In Original Application No. 180, 00710 Of 2019

Krishna Raju.V.M

APPELLANT

Vs

Registrar General India & Census
Commissioner, A-Wing, NDCC, II
Building, First Floor, New Delhi –
110001 & Ors

RESPONDENT

Date of Decision: Dec. 31, 2025

Acts Referred:

- Code Of Civil Procedure, 1908 - Order 47 Rule 1

Hon'ble Judges: Sunil Thomas, Member (J); V.Rama Mathew, Member A

Bench: Division Bench

Advocate: Rekha Vasudevan, M.N. Manmadan

Final Decision: Dismissed

Judgement

V. Rama Mathew, Member A

1. This R.A has been filed seeking review of the order of this Tribunal dated 09.12.2024 in O.A.No.180/710/2019. The contention of the review applicant is that he should be considered against the two vacancies in Kerala, which has been shown to be not filled which was also the relief sought in the O.A. It is further contented by the review applicant that counsel statement filed by the respondents could not be countered as the O.A was taken for orders on the very same day of filing of counsel statement and that the clarifications contained in the counsel statement is factually incorrect.

2. The scope of jurisdiction in R.A is very limited to see whether there is any error apparent on the face of the record or whether there is any error in law. At Para 28 of the judgment in **State of West Bengal & Others vs. Kamal Sengupta & Another (2008) 3 AISLJ 209** the Hon'ble Supreme Court had laid down the principles subject

to which the Tribunal can exercise the power of review, the same reads as under :

- (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.

3. We have heard both sides. It is seen that there is no challenge to the Combined Seniority List and there is also no challenge to the actual promotion process. We note that the review applicant has not taken into account the fact that the people who are promoted are continuing in the same station until the issuance of the posting orders. He has not argued that the total number of vacancies which are available has not been filled by promotion. His only contention is that he should be considered for promotion against the two vacancies in Kerala. Hence, no factual error is noted.

4. Accordingly, the Review Application fails and the same is dismissed. No costs.

(Dated this the 31st day of December, 2025)