

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Mrs. Urmita Datta (Sen), Member(J)****The Hon'ble Mr. P. Ramesh Kumar, Member(A)****Case No – RA- 07 of 2019 (OA-93 of 2015).****Gouranga Das. Vs The State of West Bengal & Others.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>03</p> <hr/> <p>29/11/2019</p>	<p>For the Applicant : Mr. G.N. Bhattacharjee, Ld. Advocate.</p> <p>For the State Respondents: N o n e</p> <p><i>The instant review petition has been filed praying for reconsideration of the order dated 18.09.2018, whereby the application was considered and was rejected being hopelessly barred by limitation. As per the applicant, his lawyer could not be present due to his personal difficulties, therefore, he could not make submission. However, he had filed one MA application being No.193 of 2018 which was also dismissed as withdrawn vide order dated 24.04.19. Thereafter, he has filed the instant application and has prayed for recalling and reviewing the order.</i></p> <p><i>We have heard the parties and perused the records. As per the counsel for the applicant, the applicant repeatedly prayed before the authority on different occasions and thereafter he has filed the instant original application in 2015. It is noted that this application has been filed for review of our order. Hon'ble Apex Court in the case of Kamal Kumar Sengupta -vs- State of West Bengal</i></p>	

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	<p><i>reported in (2008) 8 SCC 612 has dealt with the scope of review, which is as follows:</i></p> <p><i>“(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.</i></p> <p><i>(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.</i></p> <p><i>(iii) The expression “any other sufficient reason” appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.</i></p> <p><i>(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).</i></p> <p><i>(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.</i></p> <p><i>(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgement of a coordinate or larger Bench of the tribunal or of a superior court.</i></p> <p><i>(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</i></p>	

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	<p><i>or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.</i></p> <p><i>(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.”</i></p> <p><i>In the instant case, original application was heard and after going through the documents and after hearing the counsel for the respondents, OA was dismissed, being hopelessly barred by limitation as the father of the applicant died in 2000 and he approached this Tribunal in 2015 only. Even thereafter the applicant has filed an MA No.193 of 2018 for recalling of the order wherein the following order dated 24.04.19 was passed:</i></p> <p><i>“The counsel for the applicant has fairly submitted that he does not want to press the instant application as the OA was dismissed for default on merit. Therefore, he wants to take appropriate steps. Accordingly, MA is dismissed as withdrawn.”</i></p>	

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GM	<p><i>Thereafter, he has filed the review application. It is settled principles of law that repeated representation cannot keep alive the matter and periods of limitation. In the instant case, the applicant has submitted nothing except the submission that he had made repeated representation. However, this is not the case of the applicant that we had not considered any of the documents available on record. Thereafter, in our considered view, there is no scope of review of our order dated 18.09.18. Accordingly, review is dismissed.</i></p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	