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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.NO.26/2003 IN O.A.NO.633/2002

New Delhi, this the 13th day of February, 2003

Hon'ble Shri Justice V.S.Agarwal, Chairman
Hon'ble Shri Govindan S. Tamai, Member (A)

Parmeshwar Dayal Bhatnagar
s/o Late Shri Shambhu Nath
Senior Grade PET (Retd.)
from Govt. Boys Senior Sec. School No.2
C-Block, Yamuna Vihar
Delhi-53
R/D C/o Shri B.S.Bhatnagar
H.No.7478, Gali No.14
East Gorakh Park
Shahdara, Delhi-32

...Applicant

Versus

Govt. of NCT of Delhi through

1. Chief Secretary
Govt. of NCT of Delhi
Delhi Sachivalaya, IP Estate
New Delhi-2

2. Secretary
Dept. of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi-54

3. Director of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi-54

...Respondents

O R D E R (By circulation)

Shri Govindan S. Tamai:

The afore-said RA has been filed seeking recall and review of Tribunal's order passed on 4.12.2002 while disposing of OA-633/2002 and OA-662/2002.

2. We have carefully considered the matter. The above two OAs have been filed by two applicants, who were originally appointed as National Discipline Scheme Instructors (NDSIs) Grade-II, subsequently absorbed as Physical Education Teachers (PETs) in the States and the

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Union Territories against what they consider to be reduction in their emoluments resulting in recovery of excess amounts received by them. The Tribunal's above order has been passed keeping in mind the decision of the Hon'ble High Court of Delhi issued on 23.8.2002 in CWP-2390/98, wherein the High Court agreed with the orders passed by the Tribunal on 26.10.1999 that the PETs were entitled with the pay scales of Rs.1400-2600/- w.e.f. 1.1.1986 (upto 31.12.1995) and to Rs.5500-9000/- w.e.f. 1.1.1986 and that only the senior NDSIs Grade-I were to be given the replacement scale of Rs.1640-2900/- w.e.f. 1.1.1986 with the replacement scale of Rs.6500-10500/- w.e.f. 1.1.1996 specifically noting that the aforesaid higher pay scales given to the senior NDSIs Grade-I were personal to them. The Tribunal's earlier order, which is approved by the High Court of Delhi, had also directed the recovery of amounts to be made from those PETs, who had drawn their higher pay by way of wrong fixation. It is in view of the above order of the High Court that the OAs filed by the two applicants were found to be lacking in merit and accordingly dismissed by the Tribunal. It would be thus clear that the order of the Tribunal is in conformity with the order passed by the High Court on 23.8.2002 endorsing Tribunal's findings of 26.10.1999.

3. The applicant in this ^{RA} case is seeking to re-argue the issue settled by the High Court by referring to earlier decisions of the Tribunal and is seeking to rely upon the decisions of the Hon'ble Apex Court, which are not applicable in the two present OAs. This does not

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fall within the purview of review in terms of Order XLVII
Rule 1 of the CPC read with Section 22 (3) (f) of the
Administrative Tribunals Act, 1985.

4. RA, being bereft of any merit, is dismissed.

(Govindan S. Tampli)
Member (A)

sunil

Ag
(V.S. Aggarwal)

Chairman