

**CENTRAL ADMINISTRATIVE TRIBUNALCUTTACK BENCH, CUTTACK,
ORDER SHEET**

COURT NO. : 113/03/2020R.A./260/30/2019

O.A./260/746/2015

C.P./260/97/2019

WITH

C.P./260/97/2019

O.A./260/746/2015M/O RAILWAYS

-V/S-

MANOJ KUMAR RATHITEM NO:12FOR APPLICANTS(S) Adv. :Mr. N. K. Singh

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Learned Counsel for the Review applicant is present and heard. None for the review respondents.</p> <p>2. This Review Application(in short RA) has been filed by the review applicants (on behalf of the respondents in OA) to challenge the common order dated 13.05.2019 passed by this Tribunal in the batch of OAs including the OA No.746/15. This OA No.746/15 was allowed accordingly with direction to the respondents to allow the Grade Pay of Rs.5,400/- in PB-2 to the applicant from date his junior was allowed the same benefit with all consequential benefits. The impugned order was passed by this Tribunal following the judgment dated 03.04.2014 of Hon'ble Madras High Court in Writ Petitions No. 1078, 10046 to 10049 of 2012 and the judgment dated 20.8.2018 of Hon'ble Karnataka High Court under similar circumstances.</p> <p>3. It has come to our notice that a batch of RAs were filed by the present review</p>

applicants in respect of the batch of OAs including OA No. 746/15 disposed of vide the impugned order dated 13.05.2019 and vide order dated 22.11.2019 in RA No.35/2019, these RAs, have been dismissed. The grounds raised in this RA are similar to the grounds raised in RA No.35/2019 and these have already been considered in the order dated 22.11.2019 by which RA No.35/19 and other similar RAs which have been disposed of with the observations as under:-

"18. Mr.N.K.Singh, learned counsel for some of the RAs in the batch had also argued that the applicants had not represented to the authorities for the relief that was granted by the Tribunal, prior to filing OA and hence, the applicant had approached the Tribunal without exhausting alternative remedy. Such an argument cannot be considered as an error apparent on the face of the record and cannot be allowed while considering merits of a Review Application under Section 22 of the Administrative Tribunals Act, 1985 read with the Rule 1 Order 47 of the Civil Procedure Code. Moreover, it was open to the respondents to challenge the order of this Tribunal to admit the OAs in question and consider the same on merit. No such challenge was made. Hence, the impugned order dated 13.5.2019 cannot be challenged on this ground in Review Application.

19. Learned counsel for the review respondents has filed some citations in support of applicants' claims in the OA. We are not inclined to consider these citations for deciding the RAs in this batch, since two cited judgments justify relief granted in the OA and these are not applicable for deciding the merit of these RAs. Third citation is the order of the Tribunal in

another RA in which the legal principle that Review cannot be resorted to substitute one view with another, which is the settled law on Review Application.

20. In the circumstances and for the reasons discussed above, we are of the considered view that the review applicants have failed to make out any valid ground to justify any interference of this Tribunal in the impugned order dated 13.5.2019 passed in OA No. 723/2015, by invoking the provisions relating to review of the impugned order of this Tribunal under the section 22 of the Administrative Tribunals Act, 1985. The Review Application No. 35 of 2019 is accordingly dismissed on merit at the admission stage."

4. On perusal of the present RA, we are of the view that the order dated 22.11.2019 squarely covers the present RA which is filed on similar grounds as RA No.35/2019 and both the cases are factually similar. Hence, the decision in RA No.35/2019 vide order dated 22.11.2019 will be applicable to the present RA as well.

5. Accordingly, the present RA is also dismissed since no valid ground has been made out by the review applicants to justify the review of the Tribunal's order dated 13.05.2019 passed in OA No. 746/2015 in accordance with law.

(SWARUP KUMAR MISHRA)

(GOKUL CHANDRA PATI)

	MEMBER (J)	MEMBER (A)
	pms	