

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Review Application No.020/0037/2019

In

Original Application No.020/626/2018



Hyderabad, this the 19th day of December, 2019

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

1. G. Veerachandra Kumar, S/o Srinivasulu, Group C,
Aged about 30 years, Occ: Casual Labour
R/o 4/72, Pushpagiri, Kadapa. A.P.
2. G. Venkata Ratnam, S/o Keshava,
Aged about 30 years, Occ: Casual Labour
R/o 3-33, Pushpagiri, Kadapa, A.P.
3. P. Srinivasulu, S/o Chalapathi,
Aged about 27 years, Occ: Casual Labour
R/o Nayudu Street, Siddavatam, Kadapa. A.P.
4. M. Mallikarjuna, S/o Swamy Das,
Aged about 25 years, Occ: Casual Labour
R/o 4/81, Harijanawada, Kadapa. A.P.
5. Nookalapati Niranjan Kumar
S/o Ramanaiah,
Aged about 33 years, Occ: Casula Labour,
Thotapalem, Aravapalli,
Nandalur, Kadapa - 516 150
6. P.Subramanyam, S/o Nagi Reddy,
Aged about 46 years, Occ: Casual Labour
R/o 6/1537, Kadapa. A.P.
7. Boya Ramulu, S/o Boya Yellaiah,
Aged about 37 years, Occ: Casual Labour
R/o 2-65, Gandikota, Kadapa. A.P.
8. R. Vijaya John Bhaskar Rao,
S/o Dhairyudu,
Aged about 50 years, Occ: Casual Labour
R/o 10/84, Peddapasupula, Kadapa. A.P.



9. M. Phani Kumar, S/o Subba Rayudu,
Aged about 36 years, Occ: Casual Labour
R/o 36-163-8, 2nd floor, Vedachalam Nagar,
China Chowk, Kadapa, A.P.
10. D. Nagamma, W/o Pedda Pullaiah,
Aged about 38 years, Occ: Casual Labour
R/o 2-58, S.C. Colony,
Peddamudiyam, Kadapa. A.P.
11. B. Savitri, W/o Chinna Pullaiah,
Aged about 37 years, Occ: Casual Labour
R/o 2-62/B, Peddamudiyam, Kadapa. A.P.
12. Mekala Shiva Shankariah, S/o Gangaiah,
Aged about 32 years, Occ: Casual Labour
R/o 5-97/B, Rajampet, Kadapa. A.P.
13. T. M. Manikanta Reddy, S/o T. Muni Krishna Reddy,
Aged about 30 years, Occ: Casual Labour
R/o Pushpagiri, (P&V), Chennur (SO),
Vallur (M), YSR Kadapa, A.P.
14. N. Surendra, S/o Narsimha Reddy,
Aged about 31 years, Occ: Casual Labour
R/o Pushpagiri, (P&V), Chennur (SO),
Vallur (M), YSR Kadapa, A.P.
15. Ganta Narsimha, S/o Narsimaiah,
Aged about 26 years, Occ: Casual Labour
R/o 4/19,. Pushpagiri, Kadapa. A.P.
16. Kola Chandrasekhar, S/o Katam Raju,
Aged about 28 years, Occ: Casual Labour
R/o 8-6-1, Satyanagar, Visakhapatnam, A.P.
17. T.L.V. Prasad, S/o Bhaskar Prasad,
Aged about 40 years, Occ: Casual Labour
R/o 1st Floor, R/o 6/1, Satyanagar, Visakhapatnam, A.P.
18. Thoomu Govindu, S/o Late Jogi Raju,
Aged about 54 years, Occ: Casual Labour
R/o 70-2-181, Guntamukkala,
Kakinada, East Godavari District, A.P.
19. Kanikella Arjun Singh, S/o K. Anand Rao,
Aged about 27 years, Occ: Casual Labour
R/o 1-66, Ambedkar Nagar,
S. Aчитapuram, Kakinada Rural,
East Godavari District, A.P.



20. Vallabasetthy Lakshmana Dora, S/o V. Thammaiah,
Aged about 38 years, Occ: Casual Labour
R/o 2-188, Kapavaram, Korukonda,
East Godavari District, A.P.
21. Pendyala Brahma Raju, S/o P. Krishna Murthy,
Aged about 27 years, Occ: Casual Labour
R/o 15-30, Hareram Nagar,
Gollaprolu Mandal, Chebrolu,
East Godavari District, A.P.
22. K. Appanna, S/o K. Satyanarayana,
Aged about 38 years, Occ: Casual Labour
R/o 4-164/1/A, Gollaprolu Mandal,
Kodavali, East Godavari District, A.P.
23. Nadivinthi Durga Suryanarayana Rao,
S/o Surya Rao,
Aged about 34 years, Occ: Casual Labour
R/o 3-25, EBC Colony,
Gollaprolu Mandal, Kodavali, East Godavari District, A.P.
24. Vemuri Venkata Gopala Krishna,
S/o Sriramulu, Aged about 45 years, Occ: Casual Labour
R/o 10-118, Gantasala,
Krishna District, A.P.
25. Patapati Hanumantha Rao, S/o Anjaiah,
Aged about 55 years, Occ: Casual Labour
R/o 32/60-1, Badarkota,
Machilipatnam, Krishna District, A.P.
26. Potturi Chandrasekhara Rao,
S/o Bhushaiah, Aged about 36 years, Occ: Casual Labour
R/o 8-779/2, Gantasala, Krishna District, A.P.
27. Chinchinada Nagaraju, S/o Chinna Srinu,
Aged about 24 years, Occ: Casual Labour
R/o 2-34, Shivalayam Street
Bhatlamaturu, West Godavari District, A.P.
28. Kanchana Naga Prasad, S/o Pothuraju,
Aged about 32 years, Occ: Casual Labour
R/o 3-107, Pedavegi, West Godavari District, A.P.
29. Pallikanti Ramesh, S/o Abraham,
Aged about 35 years, Occ: Casual Labour
R/o 4-102, Cheruvu Bazar,
Ramireddipalle, Krishna District, A.P.



30. Vallepu Dharma Rao, s/o Yedukondalu,
Aged about 43 years, Occ: Casual Labour
R/o 9-443, Yerrabalem,
Mangalagiri, Guntur District, A.P.
31. Vadde Yesubabu, S/o Vadde Rangaiah,
Aged about 26 years, Occ: Casual Labour
R/o 3-333, Penumaka, Guntur District, A.P.
32. M. Siva Prasad, S/o Syma Sundara Sarma
Aged about 47 years, Occ: Casual Labour,
R/o Baburu Village, Ramateertham (Post),
Vidavalur (Mandal), SPSR Nellore District.
33. M. Nagendra, S/o M. Tirupalu,
Aged about 27 years, Occ: Casual Labour
R/o Gollapalem, Udayagiri,
Nellore, SPSR Nellore District, Andhra Pradesh.
34. K. Srinivasa Rao, S/o Veeranjanyulu
Aged about 37 years, Occ: Casual Labour
R/o 3-74, Penumaka, Guntur, Andhra Pradesh.
35. A. Venkatesh, S/o Appalaiah
Aged about years Occ: Casual Labour
R/o Annavarapupadu, 4th Lane,
Ongole, Prakasam District, A.P.
36. Chevula Nagaiah, S/o Guruvaiah
Aged about 40 years, Occ: Casual Labour
R/o 1-99, Ambavaram, Chandrasekharapuram,
Prakasam District .A.P.
37. N. Venkata Ramanaiah, S/o Venkaiah,
Aged about 45 years, Occ: Casual Labour,
R/o Behind Shivalayam, Ramathirtham,
Vidavaluru, Nellore, SPSR Nellore District, A.P.
38. Thota Ranganayakulu, S/o Picchi Rangaiah,
Aged about 31 years, Occ: Casual Labour
R/o 5-3, Madhavaswamy Veedhi,
Thudimella, Prakasam District, A.P.
39. Abdul Juber, S/o Abdul Hafeez,
Aged about 26 years, Occ: Casual Labour
R/o 18-95, Battiprolu, Guntur District, A.P.

40. T. Anjaneyulu, S/o Venkata Subbaiah,
Aged about 35 years, Occ: Casual Labour
R/o 5-18, Turumella, Prakasam District, A.P.
41. Chilakala Maheswara Reddy, S/o Guruva Reddy,
Aged about 26 years, Occ: Casual Labour
R/o 1-12B, Pitakayagulla, Prakasam District, A.P.
42. Shaik Hussain Basha, S/o Shaik Amusa,
Aged about 35 years, Occ: Casual Labour
R/o 14-33, Udayagiri,
Nellore, SPSR Nellore District, A.P.
43. P. Mohan Rao, S/o Dammaiah,
Aged about 26 years, Occ: Casual Labour
R/o 37-1-4-125, Ongole,
Prakasam District, A.P.
44. Vallepu Dharma Rao, S/o Yedukondalu,
Aged about 43 years, Occ: Casual Labour
R/o 9-443, Yerrabalem,
Mangalagiri, Guntur District, A.P.



...Applicant s

(By Advocate: Mr. Ch. Ravinder)

AND

1. The Union of India,
Ministry of Culture,
New Delhi, Rep. by Secretary.
2. The Archaeological Survey of India,
24 Tilak Marg, New Delhi – 110011,
Rep. by its Director General.
3. The Superintending Archaeologist,
Archaeological Survey of India,
Amaravathi Circle, Flat No. 508,
RR Heights, Enikepadu Road,
Near Tadigadapa, Vijayawada – 520 007, AP.

... Respondents

(By Advocate: Mrs. B. Gayatri Varma, Sr. PC for CG)

ORDER (IN CIRCULATION)
{As per B.V. Sudhakar, Member (Admn.)}

2. The RA is filed seeking review of the judgment delivered by this Tribunal in OA 020/00626/2018, dt. 19.07.2019. The operative portion of the order is as under:



“ 7(I) Applicants are engaged on daily wage basis depending on the availability of work. They are being paid daily wages for the number of days worked based on measurement book and daily attendance register. No appointment orders were issued. Applicants claim that similarly situated persons were paid minimum wages but no details were furnished. Thus it is clear that the applicants are being engaged on daily wages and are being paid as per the standard schedule of rates prescribed by the State and Central Govt. respectively. Hence they do not come under the ambit of OMs dated 7.6.1988, 25.7.2016 & 26.12.2016 referred to above, which deal with the issue of minimum wages. Equal pay for equal work is based on many factors namely the responsibility shouldered, nature of work, mode of recruitment etc. Therefore, applicants being a daily wagers cannot compare themselves with regular employees and seek benefits on par with them.

(II) Thus based on the aforesaid facts there is no scope to intervene on behalf of the applicants to provide the relief sought. Respondents have acted as per rules. Therefore, the OA is devoid of merit and hence is dismissed with no order as to costs.”

3. As no hearing is considered necessary, the Review Application is being disposed under circulation as per Rule 17(3) of the C.A.T. (Procedure) Rules.

4. The Tribunal, after considering all the pleadings on record and the arguments advanced by both sides, has come to the conclusion in the OA as cited supra. The contentions raised in the RA do not call for any further intervention by this Tribunal. There is no error apparent on the face of the record in the order passed in OA. Thus, this Tribunal does not find any grounds to review the judgment.

5. Further, a plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. [Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi, (1980) 2 SCC 167]. Further, Hon'ble Apex Court in the case of State of W.B. vs Kamal Sengupta (2008) 8 SCC 612 has held as under:-



“ 35. The principles which can be culled out from the above noted judgments 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 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.

6. In view of the above observations and the law laid down by the Hon'ble Supreme Court (*supra*), this Tribunal does not find any reason to review the order passed in OA. RA is accordingly dismissed, in circulation. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/