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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 83/2003
MA 614/2003
OA 2813/2001

New Delhi this the 23rd day of June, 2003

Hon'ble Shri Govindan S.Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Union of India and Ors.

..Review Applicants

(By Advocate Shri Rajeev Bansal)

VERSUS

Sushil Kumar and Anr.

.. Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Shri Govindan S.Tampi, Member (A)

RA No.83/2003 has been filed seeking recall and review of the Tribunal's order dated 31.10.2002 issued while disposing of the OA No.2813/2001.

2. MA No.614/2003 seeking condonation of delay is allowed in the interest of justice.

3. Shri Rajeev Bansal, appeared for the Review applicants (original respondents). None was present for the respondents (original applicants). RA is being, therefore, disposed of in terms of Rule 16 of the CAT(Procedure) Rules, 1987.

4. Order in the OA under challenge is reproduced as below:-

" Applicants, two in number, seek direction to respondents to grant them pay scale of Rs.950-1500/

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Rs.3050-4590 in terms of judgement/order dated 2.7.2001 in OA No.1158/2000 and make payment of arrears thereof with 18% interest per annum from 5.12.1997. They also seek direction to respondents to take a decision in the matter of creation of adequate number of posts of Valveman by including those on which applicants have been working.

2. Briefly stated it is the case of the applicants that they were appointed as Khallasis in Civil Engineering Department, Delhi Division in 1977-78 and they have been made to work as Valvemen (semi-skilled post) which involve higher responsibilities. According to the applicants, 8 similarly placed persons filed OA No.1158/2000 which was disposed of by a coordinate Bench of this Tribunal vide order/judgment dated 2.7.2001 in the following terms:

" Having regard to the above discussion and reasons, we find merit in the OA and direct the respondents to pay the applicants in the pay scale of Rs.950/1500 (pre-revised) with arrears since 5.12.1997 and also take a decision in the matter of creation of an adequate number of posts of valveman. The respondents are further directed to comply with the above directions within a period of three months from the date of receipt of a copy of this order".

3. Though the respondents have contested the OA stating that there is an error apparent in the orders passed by this Tribunal in earlier OAs, there is nothing on record to show that any RA has been filed by them against the judgement/order of this Tribunal. Respondents themselves have issued order dated 5.12.1997 (A-5 to OA) for creation of posts of Valveman in which names of applicants herein figure at Sl.No.10 and 5 respectively. That apmt, they have issued further instructions vice letter dated 26.7.2001 to comply with the judgement dated 2.7.2001 in OA 1158/2000. Since the applicants in the present OA are similarly situated, respondents are directed to extend the benefit of judgement dated 2.7.2001 in OA 1158/2000 to the applicants also in terms of the aforesaid directions. Needless to emphasis, they shall comply with this exercise within a period of three months from the date of receipt of a copy of this. OA is thus disposed of. No costs".

5. The present Review applicant states that the original applicants were not entitled to the relief claimed by them but have not brought on record any error apparent on record. The applicants in OA No.2813/2001 are similarly situated as the applicants as ~~those~~ in OA No.1158/2000, which was disposed of on 2.7.2001 and

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therefore the Tribunal adopted the same, while disposing of OA 2813/2001. Nothing has been brought on record to show that the applicants in the two OAs are differently placed. That being the case the review applicants attempt to argue the issue once again does not merit acceptance. The same falls outside the scope of review in terms of Section 22(3)(b) of the ATA, 1985, read with the decision of the Hon'ble Supreme Court in the case of Avtar Singh Sekhon Vs. UOI & Ors (AIR 1980 SC 2040).

6. RA being bereft of any merit fails and is accordingly dismissed.

7. Pronounced at the end of the submissions on 23.6.2003.

S. Raju
(Shanker Raju)
Member (J)

(Govindan S. Tampi)
Member (A)

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