

Central Administrative Tribunal
Principal Bench

R.A.No.162/2002 in
O.A.No.137/2001

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

New Delhi, this the 25th day of June, 2003

1. Sh. A.L.Gogna
s/o L. Sh. M.R.Gogna
r/o 52, Shastri Park
Gali No.3, Chander Nagar Road
Delhi - 110 051.

2. Sh. K.L.Gauba
s/o L. Sh. Khem Chand
r/o H P-138, Pitampura
Delhi - 110 034.

... Applicants

(By Advocate: None)

Vs.

1. Government of NCT of Delhi
through Chief Secretary
5, Sham Nath Marg
New Delhi.

2. The Director
Directorate of Training and Technical
Education
Government of NCT of Delhi
Muni Maya Ram Marg
Pitampura
Delhi - 110 034.

3. The Principal
Pusa Polytechnic
Pusa
New Delhi - 110 012.

4. Union of India
Ministry of HRD
Shastry Bhawan
New Delhi - 110 001
through its Secretary. ... Respondents

(By Advocate: Mrs. Renu George)

ORDER

By Shri Shanker Raju, M(J):

None appears for applicants even on second call. We find that on earlier occasions the learned counsel for applicants has^l not appeared^l since

- 2 -

29.10.2002. RA is disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

35

2. By an order dated 3.5.2002 in OA 137/2001 following orders have been passed:

10. Under the circumstances the OA warrants no judicial interference. However, if applicants submit a self contained representation to respondents within 3 months from the receipt of a copy of this order establishing the relevance of the aforesaid seniority list dated 12.2.92 on the basis of which applicants base their case, respondents should examine that representation and dispose of the same by a detailed, speaking and reasoned order in accordance with rules and instructions within 3 months of its receipt.

11. The OA is disposed of in terms of para 10 above. No costs."

3. Applicants have filed this RA stating that Shri B.R.Dhiman, who is admittedly the junior of the applicants has been given the benefits of the stepping up of the pay scale by respondents consequent upon the decision of this Court in OA 613/90.

4. The Tribunal has noticed the contentions of the letter dated 10.11.1995 resulting in suffering to the review applications due to inconsistent stand taken by the respondents as the seniority list has been prepared in pursuance of orders dated 12.9.1991 of the Tribunal, and also the orders dated 26.5.1995 in RA 91/95 in OA 613/90 has not been challenged before the High Court, as Shri B.R.Dhiman, who is junior of the applicants has been benefited of stepping up of pay on the basis of seniority list,

circulated vide letter dated 12.2.1992 and not on the list dated 13.6.1983, filing of the representation on the same cause of action, would have served no purpose.

36

5. On the other hand, respondents in their reply vehemently opposed the review application and stated that in pursuance of directions, on re-examination of the issue, speaking order dated 18.7.2000 has been passed by the respondents giving detailed reasons for not acceding to the request of the applicants for stepping of their pay.

6. Further, it is stated that the present case is not of a stepping up of pay as the persons against whom the applicants are seeking stepping up of pay has been fixed in higher pay on account of grant of selection grade. If everybody is to be given the benefit of pay, the sanctity of selection grade for 25% quota comprising 15 posts would have unworkable and turned nugatory.

7. As the others were senior, as per their position in the seniority list, comparison cannot be done in the case of applicants.

8. In rejoinder, applicants reiterated their pleas taken in the RA.

9. We have carefully considered the pleadings on record. The scope of review under Section 22(3)(f) of the Administrative Tribunals Act, 1985 is very limited. Review can be allowed if a patent error apparent on the face of record or discovery of new

-4-

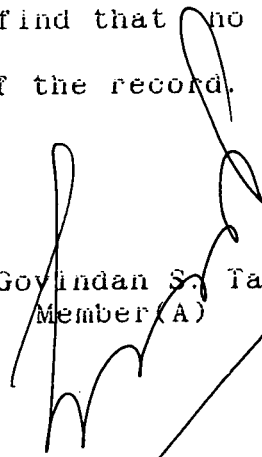
material if after due diligence was not available with the respondents. The review cannot be allowed to re-examine the issue on a subsequent event. The aforesaid ~~Misc~~ ^{gains} strength from the decision of the Apex Court in Subhash v. State of Maharashtra & Another, SCSLJ 2002(1) SC 28.

37

10. In the result, we find that no patent error is apparent on the face of the record. RA is accordingly dismissed. No costs.


(Shanker Raju)
Member(J)

/rao/


(Govindan S. Tampi)
Member(A)