

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.No.269/2002 in O.A.No.1334/2001

Tuesday, this the 13th day of May, 2003

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

National Archives & Museums Employees
Union & Another ..Applicants
(By Advocate: Shri M.K.Bhardwaj)

Versus

Union of India & Another ..Respondents
(By Advocate: Shri Neeraj Goyal for Shri Adish C.
Aggarwala)

O R D E R (ORAL)

Shri Govindan S. Tampi:

RA-269/2002 has been filed by the respondents in OA-1334/2001, seeking the recall and review of the order passed by the Tribunal on 19.2.2002 allowing the OA.

2. The present RA has been filed beyond the period of limitation but keeping in mind the interests of justice, RA is taken up for consideration.

3. OA-1334/2001 filed by the National Archives & Museums Employees' Union and another, seeking increased promotional avenues and higher fixation of pay for Museum staff at par with those in National Archives, was disposed of by the Tribunal on 19.2.2002 with the following directions:-

"9: In the above view of the matter the OA succeeds and is accordingly allowed. The impugned order dated 20.12.2001 is quashed and set aside and the respondents are directed to take action in terms of Supreme Court's directions dated 10.2.88 and to provide equality in status for the applicants with their counter parts in National Archives both in terms of scales of pay and in terms of promotional

avenues by identifying the posts for upgradation to the level of Jamadar and Sr. Jamadar so that the legitimate expectations of the staff who have been stagnating for considerably long time is adequately taken care of. This shall be done within four months from the date of receipt of a copy of this order. No costs."

According to the review applicants, the Tribunal's order was faulty as the Hon'ble Apex Court had not given any directions on the promotional avenues but had left it to be agitated further, if felt needed. That being the case, the respondents (review applicants) could not have been directed to take action on that aspect. Respondents in the RA (original applicants) assert that the Tribunal has correctly interpreted the decision of the Hon'ble Apex Court and there was no ground for any change in the order.

4. During the oral submissions, Shri Neeraj Goyal, appearing on behalf of the review applicants, reiterated his plea.

5. On close consideration of the matter, we are fully convinced that the review applicants have no case. Tribunal, while passing the order dated 19.2.2002 had come to a conclusion that the respondents (review applicants) had not fully given effect to the order of the Hon'ble Supreme Court in CWP-1230/87, issued on 10.2.1998 and, therefore, passed its directions. Review applicants are now seeking to re-argue the matter and obtain a different order. No error apparent on the record has been proved by the review applicants and that being the case, there is no ground for any review. What

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is being sought by the review applicants is clearly outside the scope of review provided under Section 22 (3) (f) of Administrative Tribunals Act, 1985 read with Order 47 of Civil Procedure Code. Decision of Hon'ble Apex Court in Avtar Singh Sekhon Vs. Union of India and Ors. AIR 1980 SC 2041 also fortifies our stand.

6. RA, in the circumstances, being devoid of any merit fails and is accordingly dismissed.

S. Raju
(Shanker Raju)
Member (J)

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G. S. Tampi
(Govindan S. Tampi)
Member (A)