

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. NO. 197/2001
IN
O.A. NO. 1502/99

NEW DELHI THIS 27th DAY OF AUGUST 2002
HON'BLE SMT. LAKSHMI SWAMINATHAN, V C (J)
HON'BLE SH. GOVINDAN S. TAMPI? MEMBER (A)

Kapoor Singh and Others : Applicant
By Sh. Shankar Divafi, Advocate

VERSUS

Union of India & Others Respondents
By Sh. A.K. Bhardwaj, Advocate

ORDER

By Sh. Govindan S. Tampi

R.A. No. 197/2001 has been filed by the applicants in OA 1502/99, seeking the recall and review of the order of the Tribunal dated 12.1.2001.

2. Heard S/Shri Shankar Divafi and A.K. Bhardwaj, learned counsel for the Review Applicants and the respondents respectively.
3. Applicants in OA No.1502/99 - 30 in number - had sought the extension of the benefit of decision of the Principal Bench of the Tribunal in OA 602/95, duly upheld by the Hon'ble Supreme Court, for them as well, After duly considering the facts and points in law brought out, the Tribunal had dismissed the application, being devoid of any merit. We had respectfully differed from the findings of the Single Bench of the Tribunal in OA 602/95, but had held it as applicable to the applicants in that OA, SLP against the same having been dismissed, though on grounds of delay. We had also observed in the order as below:

" We do not find any reason to interfere with the decision of the respondents in this regard. In fact as fairly conceded by the learned counsel for the applicants no formal order on reduction has been issued and what has prompted the applicants to come before us is their imagined apprehension which has no basis and it is not supported by any facts as the total emoluments of the applicants have not been reduced even after 1.1.86 but have only gone up in comparison to what they would have otherwise got. "

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4. The instant RA has been filed on the grounds of discovery of new facts which were not within the knowledge of the applicants earlier and not having correctly brought the provision of CCS (Pension Rules) to the notice of the Tribunal. The above had resulted in miscarriage of justice, as far as the applicants were concerned. According to the applicants:

- a) the respondents have been extending the benefit of the decision of the Tribunal in 620/95 to a few others also, while the applicants were denied the same by the order.
- b) fixation of pay of the employee in terms of CCS(Pension) ^{levels} had not been done.
- c) the decision of the Tribunal in OA 602/95 was just and fair and it should have been followed.
- d) respondents view that as there was no loss of emoluments for the ~~xxx~~ applicant, review was not justified was improper, as the Hon'ble Apex Court held that the applicant's basic pay cannot be reduced.
- e) the benefit sought for is in consonance with the Revised Pay Rules.
- f) the respondents were discriminating amongst similarly placed individuals which was not correct as shown by the Hon'ble Supreme Court in Prem Devis Vs Delhi Administration 1989 Supp (2) SCC 330.

5. Review application has been strongly argued by the learned counsel - Shri S. Diwte .

6. In the reply, the respondents urge that the Original Application has been correctly dismissed and no review was called for. It was wrong to state that the benefit of decision in OA 602/95, had been extended to others. In one case ^{where} it was wrongly given steps have been taken to revise it. While the rule position in respect of Revised Pay Rules is correct, the increase of 20% is on the basic pay and not personal pay, as is being claimed by the applicants. This was reiterated by Shri A. K. Bhardwaj who stated that the review applicant, ~~was~~ seeking to gain the relief which they had themselves given up during the leaving of the OA, as they had conceded that their total emoluments had not suffered on absorption. ⁱⁿ (CB).

7. We have carefully considered the matter and we observe that the applicants are seeking to reargue the case seeking the extension of the benefit of the decision in OA 602/95, which has been dismissed by us. While disposing of the OA 1502/99 we had held that we were differing from the decision of the learned Single Bench, but that same was applicable in the case of the concerned

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applicants, the decision having been upheld by the Hon'ble Supreme Court on the ground of limitation. Our decision has been on merits and nothing has been brought on record to show that there was any error on the face of the record, justifying recall and review of the order. Further, as correctly pointed out by the learned counsel for the respondents, the applicants themselves had indicated that they suffered no loss in emoluments and were not pressing for the relief raised in para 9(ii) of the OA 1502/99. The present move is therefore without any basis on facts and or in law and cannot be entertained.

8. We find, in the above circumstances that the Review Applicants have not made out any case for our interference.

R.A. being devoid of any merit is dismissed.

(Govindan S. Tampi)
Member (A)

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

Patwal/