

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(2)

RA No. 214 of 1995
in
OA No. 98 of 1994.

New Delhi, this the 31st day of August, 1995.

Hon'ble Mr. B.K. Singh, Member (A)

1. Anand Singh, Packer,
R/O Qr No. 839;
2. Om Prakash, Packer,
R/O Qr No. 308;
3. Ratti Ram, Chowkidar,
R/O Qr No. 168;
4. Jai Prakash, Packer,
R/O Qr No. 256,
5. Bhagwati Prasad,
Chowkidar R/O Qr No. 1374;
6. Ram Khilari, Mazdoor,
R/O Qr. No. 789 ;
7. Ashok Kumar, Sweeper,
R/O Qr. 1384;
8. Ramla, Sweeper, Qr. No. 1439;

Type I, N.H. IV, Faridabad, Haryana.

... Review applicants.

vs.

1. Union of India through the Director,
Publications Division, Ministry of
Information & Broadcasting, Patiala House,
New Delhi.
2. Shri R. Ram Dhameja, Asstt. Business Manager,
Publications Division, Faridabad.

.... Respondents.

Order by Hon'ble Mr. B.K. Singh, Member (A)

This Review application No. 214 of 1995
has been filed against the judgment and order
in O.A. No. 98 of 1994 dated 26th day of July, 1995.
The issues were primarily regarding payment
of O.T.A. and also to treat them as operative staff

and to pay them O.T.A. at higher rates. The judgment was based on the O.Ms issued by the DO PT in consultation with the Department of Expenditure, Ministry of Finance. In view of the fact that there are serious constraints in regard to financial resources, the Government as a major policy decision have agreed to grant compensatory leave in lieu of O.T.A. and also in view of the fact that the rate of O.T.A. has been increased, the Govt. have restricted the working hours for which O.T.A. is admissible. It is within the competence of the Government to make Rules, to amend the same, to adjust and to re-adjust it as has been held in the case of Col. A. S. Sangwan (Supra). This view was also held in the case of V. S. Wadhera vs. Union of India, 1968(3) SCR 575, Raj Kumar vs. Union of India (1975), 3 SCR 963, K. Naqra and others vs. State of Andhra Pradesh and another 1985(1) SCC 523 and State of J & K vs. P. N. Khosa and others 1974(1) SCR 771.

The law is well-settled that Courts can strike down if a rule abridges or curtails the rights accrued to an employee. In the instant case, no rights have accrued and in the light of curtailment in the budgetary allocation in regard to O.T.A., the Departments/Ministries have to manage O.T.A. within the allocations made to them.

The economy measures of the Government in regard to O.T.A. are directed towards curtailing expenditure on staff and establishment and these are policy decisions of the Government and since no rights have accrued to the applicants, I declined to interfere with the decision taken by the respondents.

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There is no inherent power of review vested in the Tribunal. The power is exercised under Order 47 Rule 1 of the Code of Civil Procedure which lays down that if an important piece of evidence or matter, which, inspite of due diligence was not available with the review applicants at the time when the application was heard or when the order was made or an important document which now is in possession of the review applicant but which could not be produced at the time of hearing and this evidence or document is such that it can materially change the dimensions of the judgment, a review application can be entertained. No such piece of evidence or document has been brought to the notice of the Tribunal in this review application.

The second ground on which a review application can lie is an error - factual or legal apparent on the face of the record. No such error, legal or factual is manifest and as such on this ground also the review application does not lie. The third ground is analogous ground, that is, any other substantial or reasonable cause which may warrant a review. I do not find any other ground advanced in the review application warranting a review of the judgment and order dated 26.7.1995. The review application is accordingly rejected summarily under Order 47 Rule 4(1) of the Code of Civil Procedure.

31/8/95
(B. K. Singh)
Member (A)

/sds/