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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA 278/95 in OA No.1828/1994

New Delhi, this 2nd day of November, 1995

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

J.N. Chabra  
601, Sector 21A, Faridabad ... Applicant

By Shri T.C. Aggarwal, Advocate

versus

Union of India, through

1. Secretary  
M/Labour, New Delhi

2. Central Provident Fund Commissioner  
9th floor, Mayur Bhawan, New Delhi

3. The Chairman  
Central Board of Trustees  
EPFO, Shram Shakti Bhawan, New Delhi ... Respondents

ORDER(by circulation)

RA 278/95 has been filed by the applicant in OA 1828/94

decided on 18.9.95.

2. A perusal of the records show that some authority vide office order dated 20.4.88 directing the applicant to look after the work of FA & CAO. This order was not passed by the competent authority and he was not in the feeder line of promotion to that post. It is clear from the order that the applicant would look after the duty of higher post in addition to his duty. Such an order always means current duty of higher post because for holding the post of FA & CAO in Government, order of the AGC is a must. The case was decided based on the judgement of Hon'ble Supreme Court in case of Shyam Babu Verma & Others vs. UOI and others JT 1994(1)SC574 wherein was clearly held that the onus lies on the claimant to prove that he is entitled to pay of a higher post i.e. claiming equal pay for equal work. The OA was dismissed on account of laches and on merits also.



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2. Now coming to the RA, the scope for review is very limited. A review can lie under order 47, Rule 1 CPC, wherein it is stated that (1) a review application can be filed if the review applicant has come across any new evidence or new documents which in spite of due diligence was not available with him at the time of hearing or when the order was passed; (2) there is some error-factual or legal on the face of the record; and (3) some other substantial ground for review of the judgement passed in the OA. The review application indicates that the applicant has not come across any new evidence or new documents, which could not be produced at the time of hearing as such there is no question of reviewing the judgement on this account. Secondly, there is no error apparent on the face of the record. I also do not find any factual or legal error manifest on the face of the record which can change the judgement/order given in the OA. I also do not find any other analogous reason. In the circumstances, there is no fresh material warranting a review of the order in the OA.

3. The RA is summarily rejected accordingly under order 47, Rule 4(1) of the CPC.



(B.K. Singh)  
Member (A)

/gtv/