

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 212 of 1997 In  
O.A. No. 1884 of 1996

New Delhi this the 7th day of September 1998

**HONBLE MR. K. MUTHUKUMAR, MEMBER (A)**  
**HON'BLE DR. A. VEDAVALLI, MEMBER (J)**

Shri Lalita Prasad Pal  
S/o Shri Kanhai Ram Pal,  
R/o 32-N Sector IV, DIZ Area,  
Gole Market,  
New Delhi-110 001.

..Review Applicant

Versus

1. Union of India through  
Ministry of Finance  
(Department of Expenditure)  
North Block,  
New Delhi-110 001.
2. Secretary to the G/I  
Ministry of Home affairs,  
North Block,  
New Delhi-110 001.
3. Secretary,  
Union Public Service Commission,  
Dholpur House,  
New Delhi-110 001.

..Respondents

**ORDER BY CIRCULATION**

**Hon'ble Mr. K. Muthukumar, Member (A)**

We have seen the Review Application filed by  
the Applicant seeking a review of the order passed in  
O.A. No. 1884 of 1996. We do not find any error  
apparent on the face of the record meriting review of  
our order.

2. In the Review Application the applicant has  
taken the following points for the review:-

(i) He cites reference to the judgment of this  
Tribunal in O.A. No. 665 of 1996 where the applicants

in that application were given relief and they were allowed pay scales with effect from 1.1.1986 instead of 11.9.1989 and the review applicant relying on this order submits that this is a judgment in rem and should have been followed.

We have seen this judgment. In the O.A. 665 of 1996, the applicants were Data Processing Assistants and Data Entry Operators in the National Sample Survey Organisation and they claimed that their pay scales should be revised with effect from 1.1.1986 instead of 11.9.1989 and in the same organisation applicants working in other branches were allowed the revision of scales of pay by the Calcutta and Nagpur Benches of the Tribunal. There was no indication in the order that their revised pay scales were introduced after restructuring of their cadre and with conversion criteria and with revised scale, as was done in the case of the present applicants.

In the case before us, however, the applicants were Mechanical Operators under the third respondent and as a result of restructuring of that cadre, the respondents notified their revised designation and pay scales, recruitment qualification etc. and also the conversion criteria and years of regular service required etc. and the above restructuring was given effect to from 11.9.1989 by the impugned order dated 17.7.1991 which was given effect to retrospectively from 11.9.1989. The applicants were initially ad hoc Mechanical Operators who were at the

direction of the Tribunal in a separate case filed by them took the trade test and they were appointed on regular basis with effect from 24.10.1989, when the restructuring orders were not issued. Subsequently with the restructuring order, they were treated as Data Entry Operators and were allowed the pay scales notified. This order was applicable to all such Mechanical Operators under the respondents with effect from 11.9.1989 and there was no discrimination whatsoever. We have adequately dealt with this aspect in our order in para 6 of our order. Therefore, the judgment he had relied upon was in respect of applicants who were in different situation. We do not find any error in our order on this ground.

(ii) The second point urged by the Review Applicant is that there was a failure on the part of the department in filling up the posts on regular basis. As pointed out in our order, the applicants were regularised after they have qualified the practical test or trade test. The review applicant has not taken this ground in the O.A. and cannot possibly agitate on this in the Review Application. On this score, the Review application has no merit.

(iii) The next point urged by the applicant is regarding his contention that in service matters judgment is mostly in rem and he relies on the Full Bench Judgment in John Lucas and Another vs. Additional Chief Mechanical Engineer, S.C. Railway and Others Vs. Chief Mechanical Engineer, 1986 to 1989 Full Bench Judgments Vol.1 page 136. We have already considered

this judgment and we held that the judgment in the above case would not be of any relevance in the present case.

(iv) The last point urged by the applicant is that all the employees govern by the same scheme have to be given the same benefit and similar treatment and the review applicant relies on a recent judgment in Ausan Vs. Union of India, (1996) 32 ATC 337. We have stated in our order that it was only after the introduction of the revised scales of various levels with various conversion criteria, the grades were revised and the grades were given effect from 11.9.1989 and all the concerned officials governed by this restructuring, were given the same treatment and we have, therefore, held that there was no violation of the principles of equality of treatment.

3. In the result, we find that there is no merit in the Review Application. It is accordingly rejected.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(DR. A. VEDAVALLI)  
MEMBER (J)

Rakesh