

Central Administrative Tribunal  
Principal Bench

R.A.No.45/97 in  
O.A.No.170/96

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Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 25th day of September, 1997

Shri Bansi Lal Popli  
Supervisor  
r/o the Principal Director of Audit  
Northern Railway  
Baroda House  
New Delhi.

... Applicant

(By Shri R.L.Dhawan, Advocate)

Vs.

1. The Comptroller & Auditor General of India  
10, Bahdurshah Zafar Marg  
New Delhi.
2. The Principal Director of Audit  
Northern Railway  
Baroda House  
New Delhi. ... Respondents

(By Shri R.V.Sinha, Advocate)

O R D E R (Oral)

This Review Petition arises out of the order of this Tribunal in OA No.170/96 dated 1.1.1997. The applicant in the OA had sought a direction to refix his pay in such a way that it was brought at par to that of his junior, Shri S.S.Kapoor w.e.f. 27.8.1975. After considering the matter the Tribunal came to the conclusion that the respondents are correct in denying the benefit of FR 22 to the applicant and there was no anomaly since the applicant had come to the grade of Auditor from different sources.

2. The review petitioner submits that there is an error apparent on the face of the record inasmuch as the case of the applicant has been considered by the Tribunal in terms of FR 22. On the other hand, the applicant had never claimed the benefit of FR 22 but had based his case on the Govt. instructions dated 23.9.1976 regarding removal of anomalies in pay fixation arising

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as a result of passing Revenue Audit Examination by the juniors after 1.1.1973 and the seniors before 1.1.1973, i.e., the date on which the recommendation of Third Pay Commission came into effect.

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3. I have heard the counsel on both sides. I find that the review petitioner is right that he had sought stepping up of his pay on the basis of the instructions quoted above and the matter was dealt in the impugned order on the basis of the applicability of FR 22. Thus a patent error has crept on the face of the record. I do not agree with the submissions of the learned counsel for the respondents that even such an error does not fall within the review jurisdiction and is a matter for the appellate Court. If the case of the applicant is not dealt at all and had been disposed of on misunderstanding, it would be an error which would fall within the ambit of the review jurisdiction. Accordingly, I allow the RA and recall the order passed in OA dated 1.1.1997.

4. Since the matter had been decided by a Single Bench, this OA had been disposed of by the impugned order when the cases of stepping up of pay were within the jurisdiction of a Single Bench. However, in terms of Hon'ble Chairman's order No.1/32/87-JA(Vol.II) dated 14.5.1997, cases of stepping up of pay should be heard by a Division Bench and now that the impugned order dated 1.1.1997 has been recalled, this matter should be heard by a Division Bench. Accordingly, Registry may place the OA before an appropriate Division Bench.

RA is disposed of as above. No costs.

  
(R.K. AHUJA)  
MEMBER(A)

/rao/