

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.8/96 in OA No.1126/95

New Delhi, this 17th day of January, 1996

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

Shri Harish Chander  
s/o Shri Sita Ram  
B-97, Moti Bagh  
New Delhi - 110 021.  
(By Shri C.B. Pillai, Advocate)

...Applicant

Versus

1. Union of India through  
Secretary,  
Dept. of Animal Husbandry & Dairying  
Krishi Bhawan, New Delhi

2. General Manager  
Delhi Milk Scheme  
West Patel Nagar, New Delhi

... Respondents

ORDER(in circulation)

This RA No.8/95 is directed against the judgement in OA  
No.1126/95 delivered on 8.12.1996.

2. This Tribunal is not vested with any inherent power of review. It exercises that power under order 47, rule 1 of CPC. Power of review is exercised on the discovery of a new and important matter of evidence, which, after exercise of due diligence was not within the knowledge of the person seeking review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of record is found; it may also be exercised on any other analogous ground.

3. The review applicant in the OA claimed parity of pay scale with that of Shri Sher Singh who worked as Cash Clerk for more than 3 years and was allowed special pay of Rs.15/- per month. After completion of 3 years, as per the Circular of the Department of Expenditure, the special pay became part

(B)

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of pay countable for purpose of pension. The review applicant did not work for 3 years. As such, he was denied the benefit of additional pay of Rs.15/- as part of special pay. The DoPT's OM dated 4.11.93 clarifies the position that in such a situation if in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increment or on any other account the above provisions of FR 22C for stepping up of pay can not be invoked to step up the pay of the senior officer. The special pay drawn by Shri Sher Singh for 3 years, as per the OM of the Department of Expenditure, Ministry of Finance, has become part of the pay and will count for purpose of pension also. The review applicant is not entitled to claim any parity in this regard or 'any other account' which will include this special pay. Accordingly his claim in the OA was rejected. The applicant has not come out with any new or important piece of evidence nor is there any error apparent on the face of the record warranting a review of the order contained in OA 1126/95.

4. Accordingly, the review application fails and is, therefore, summarily rejected under order 47, rule 4(1) of CPC.

  
(B.K. Singh)  
Member (A)

/gtv/