

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.297/2001 in OA No.496/2000

New Delhi, this 23rd day of October, 2002

Hon'ble Shri Kuldip Singh, Member(J)  
Hon'ble Shri M.P. Singh, Member(A)

Akhil Bhartiya Ayudh  
Nirman Rajsabha Seva Sangathan & Anr. ... Applicants

(By Smt. Shyamala Pappu, Sr. Advocate with  
By Shri R.Krishnaamorthi, Advocate)

versus

Union of India, through  
Secretary, Ministry of Defence &  
Four others ... Respondents.

(Shri V.S.R. Krishna, Advocate)

ORDER

Shri M.P. Singh, Member(A)

This RA is filed on behalf of the applicants for review of order dated 14.5.2001 by which OA No.496/2000 was dismissed following the ratio arrived at in the judgements of the Hon'ble Supreme Court in the cases of UOI Vs. P.V.Hariharan & Ors. 1997 SCC(L&S) 838 and State of UP & Ors. Vs. J.P.Chaurasia & Ors. 1989(1) SCC 121. The RA has been filed on 24.8.2001 and at the request of the learned counsel for the applicants, the same was listed before the Court for hearing. Respondents have filed their reply contesting the RA.

2. We have heard the learned counsel for the parties and considered the pleadings.

3. As per law laid down by the Hon'ble Supreme Court in Chandra Kanta & Anr. Vs. Sheik Habib AIR 1975 SC 1500, "A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier

wh

by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient".

4. No doubt, the present RA has been filed on the same set of facts and grounds. It is further stated by the review applicants that during the pendency of the OA, 14 new posts of Senior Hindi Translator (SHT, for short) were created in the respondent-organisation for the first time. Accordingly, 14 persons were promoted as SHT from Junior Hindi Translator (JHT, for short) w.e.f. 8.2.2000. According to the learned counsel for the review applicants, payment of higher scales of pay to only 14 persons was discriminatory. Hence the present RA for review of our order dated 14.5.2001 in OA No.496/2000.

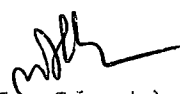
5. In the reply filed on behalf of the respondents, it is stated that respondents have taken a decision vide communication dated 5.8.99 for creating promotional posts of SHT in the scale of Rs.5500-9000. The feeder cadre for the post of SHT is the post of JHT in the scale of Rs.5000-8000. It is on the basis of the above decision that 14 officials were promoted to the post of SHT on the recommendations of the Departmental Promotion Committee. Since the promotional post of SHT is in the pay scale of Rs.5500-9000, there is no question of JHT being given the above pay scale. It is also stated by the respondents that the contention of the review applicants that they possess qualification of Post-graduation and therefore they are entitled to the pay scale of Rs.5500-9000 is not

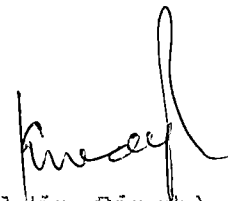


tenable as the minimum recruitment qualification for appointment as JHT is a mere graduation as per the notified Recruitment Rules vide notification dated 4.5.1989. We are satisfied with the submissions made by the respondents in contesting the RA and we find force in the same. On this count alone, the RA is liable to be rejected.

6. We also find that it is not the case of the review applicants that there is an error apparent on the face of the record. That apart, they have not come with any fresh valid grounds that would warrant review of the judgement under Section 22(3)(f) of Administrative Tribunals Act, 1985 read with Order 47, Rule 1 of CPC.

7. In view of the above position, we find no merit in the present RA and the same is accordingly rejected. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(J)

/gtv/