

PRINCIPAL BENCH, NEW DELHI.

RA-273/94 in  
OA-553/93

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New Delhi this the 25th Day of August, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Union of India,  
through the General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Divl. Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

Review Applicants

(through Sh. Shyam Moorjani)

versus

Shri J.C. Chawla,  
S/o Shri Teju Ram,  
Retd. Chief Parcel Supervisor,  
Northern Railway,  
Railway Station,  
Delhi Jn.

Respondent in RA

ORDER

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This review application has been filed  
by the respondents in O.A.No.553/93 seeking recall  
of the order dated 5.4.94.

2. The applicant had come to this Tribunal  
seeking stepping up of his pay vis-a-vis his junior  
on his promotion to the grade of Rs. 425-640 as  
Parcel Clerk. Had this been done, he would have  
been receiving a salary of Rs.2375/- per month at  
the time of his retirement rather than Rs.2120/-. He  
had earlier approached the Labour Court. That  
court rejected the plea of the management that  
junior persons should be given higher pay for  
reasons of local officiation in relation to their  
seniors was violative of the principles of natural  
justice. They allowed the claim of the applicant



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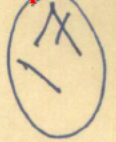
till the time of filing of his application. When he approached the Labour Court for the second time, he was advised to submit an application under Section 10 of the Industrial Disputes Act but instead this he approached this Tribunal.

3. The main ground on which this review is being sought, is production of a document purporting to be the decision of the President. However, this document was not produced by the respondents either before the Labour Court or during the hearing of the O.A. before the Tribunal. This Tribunal held that the only ground on which the ad hoc promotion was denied to the applicant was that he was at that time <sup>BN</sup> ~~was~~ still under probation. It has been held in the case of K.K. Khosla and Another Vs. State of Haryana and Others (1990)12 ATC 754 that in the absence of any rule to the contrary promotion even during the period of probationary period would be valid. As ad hoc promotion was wrongly denied to the applicant, this Tribunal reached the conclusion that he was entitled to relief. Thus, it was a case of wrong denial of ad hoc promotion and the President's decision now produced, would not be applicable in this case. I also find that though the order in this O.A. was passed on 5.4.94 and by their own admission, the respondents received a copy thereof on 19.5.94, the review application was filed on 11.8.94. It is clear that this was done after the applicant had filed a contempt petition on

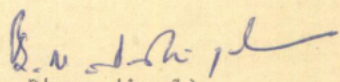
<sup>BN</sup>



25.7.94. The reasons given in the application for condonation of delay are unconvincing and the review application fails on this ground also. Under Section 17 of the Central Administrative Tribunal (Procedure) Rules, 1985, a review application has to be filed within a period of 30 days from the date of receipt of a copy of the order.



4. This review application fails and is hereby dismissed.

  
(B.N. Dhoundiyal)

Member(A)

/vv/