

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA No. 107 of 1994
in

OA No. 1758 of 1993

New Delhi, this the 5th day of April, 1994.
HON'BLE MR JUSTICE S.K.DHAON, VICE CHAIRMAN
HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A)
Shri D.P.Tiwari,
S/O Shri N.P.Tiwari,
Working as Bill Clerk & Challan
Despatcher, Circle-I, Commissioner
of Income Tax, Kanpur
(Applicant No.4 in OA No.1758/93)
(through K.B.S.Rajan, Advocate)

... Review applicant.

vs.

1. Union of India,
Through the Secretary,
Ministry of Finance, North Block,
New Delhi.
2. The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.
3. The Chief Commissioner of Income-Tax
(Admn.) Cadre Control Authority,
State of U.P., Ashok Marg,
Ayakar Bhawan, Lucknow. Respondents.

ORDER (by Circulation)

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

This application has been filed
by Shri D.P.Tiwari, applicant No.4 in O.A.No.1758/93.
The review has been sought on the ground that
certain additional information ~~have~~ since ~~been~~ ^{been}
surfaced to prove that he was performing the duties
of L.D.C. Another ground for the review is that
though this Tribunal has held "this means we have
to see whether the duties, functions and responsibilities
of the applicants were similar to those of Group D
employees," yet it has not gone into the facts

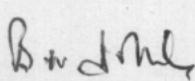
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a. It has only recorded the opinion that the applicants
have failed to establish that they are discharging
the duties assigned to the L.D.C.

The review applicant refers to the latest order dated 2.2.1994 in which some clerical duties have been assigned to the applicants. It is claimed on this basis applicants are in fact performing all the duties of the L.D.Cs.

There are two modes of recruitment to the post of L.D.C.; one through the Staff Selection Commission and the other by promotion from Group-D, from which 10% vacancies are ear-marked. The case of the applicants does not fall in any of these categories as those Senior to them in Group D are still awaiting their turn for appointment as L.D.C. We have taken judicial note of the fact that they are graduates and have enjoined upon the respondents to consider allowing them to appear in the S.S.C. Examination after relaxation of age. It has already been held that for invoking the principle of 'Equal Pay for Equal Work', it is for the applicants to prove that their charter of duties is identical in all respects to that of the L.D.Cs. The fact that they are performing some of the duties of the L.D.Cs also cannot give them an advantage over their seniors in Group D.

We hold that the petitioner has failed to establish that there is an error apparent on the face of record in our judgment dated 11.2.1994. The review petitioner is, therefore, rejected.

/sds/


(B.N. Dhoundiyal)
Member (A)


(S.K. Dhaon)
Vice Chairman