

(19)

In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.73/93 in
OA 999/87

Date of Order:15.04.1993.

Shri R.K. Gupta

...Petitioner

Versus

Delhi Administration & Another

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K. Rasgotra, Member(A)

O R D E R

In this Review Application (RA) the petitioner Shri R.K. Gupta is seeking review of our judgement rendered in OA No.999/87 on 4.12.1992. He has enumerated the reliefs prayed for by him in the O.A. as under:-

- i) The list of selection grade of PGT (Male) dated 18.2.1985 be quashed and the respondents directed to consider and include the name of the applicant in the selection grade on the basis of his seniority as PGT from the date of his initial appointment on 29.10.1963 - the date he joined as PGT. In the alternative he has prayed that his seniority should be reckoned from July, 1985 when he was promoted as PGT.
- ii) He may be granted seniority in PGT (Male) cadre from the date of his appointment on 29.10.1963 with all consequential benefits.
- iii) The applicant be granted all monetary benefits on the basis of the doctrine of 'equal pay for equal work' for the period October 29, 1963 to October, 1966.

2. When this matter had come up for hearing the petitioner had submitted that he was not pressing relief (i) and (ii) and that he was only claiming relief (iii) as enumerated above. This meant that the petitioner was seeking only the pay and allowances for the period October 29, 1963 to October, 1966 on the basis of the doctrine of 'equal pay for equal work' on the basis that although he was appointed as TGT he was made to work against the post of PGT. After having considered the submissions of the petitioner and perused the record the O.A. was dismissed on the ground that the petition was highly belated and was accordingly time barred under Section 21 of the Administrative Tribunals Act, 1985.

3. The principal ground now adduced for seeking review of the judgement is that he has since been able to procure three copies of the orders dated 25.9.1987, 11.4.1988 and 12.4.1988 which according to him bestowed seniority on some TGTs from the date of appointment in the grade. These are filed as Annexures R-2, R-3 and R-4 annexed to the R.A. It is further contended that these documents constitute discovery of new material which was not available to the petitioner even after exercise of due diligence.

4. We have considered the matter carefully and observe that first Annexure R-2, R-3 and R-4 were issued by the respondents on 25.9.1987, 11.4.1988 and 12.4.1988. These documents were thus in existence when the petitioner's case was heard. They, therefore, do not constitute discovery of new documents. These would have been available to the petitioner had he exercised due diligence. Further, we have

2

referred to the case of Shri S.D. Sharma who is the subject matter of R-2 and observed that "the taking of a decision in the matter in the case of another Teacher does not give the petitioner any fresh cause of action to revive the claim which already stands barred."

The O.A. was thus dismissed as it was barred by limitation. The procurement of these documents by the petitioner, therefore, is of no consequence.

5. In the above facts and circumstances, the R.A. is not maintainable and does not fall within the ambit of Order XLVII of Code of Civil Procedure. The same is accordingly rejected in circulation.

I. K. Rasgotra
(I.K. RASGOTRA)

MEMBER(A)

V. S. Malimath
(V.S. MALIMATH)

CHAIRMAN

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