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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Dated 24-4-89

PRESENT

Hon'ble Shri S.P. Mukerji - Vice Chairman
&
Hon'ble Shri P.K. Kartha - Vice Chairman

Review Application No.137/88
in O.A No.1174/87

Shri S.P. Rout & Others .. Applicants

Versus

Union of India & Others .. Respondents

O R D E R

S.P. Mukerji, Vice Chairman

In this Review Application dated 25.11.1988
the judgment delivered by us on 21.10.1988 in O.A.
1174/87 has been challenged on the ground that the
view taken by us in the matter of upgradation of
Group 'B' posts of Research Officers in the scale of
Rs.650-1200 to that of Group 'A' scale of Rs.700-1300
is wrong. It has been urged that since there was no
change in the duties and responsibilities of the posts
and upgraded pay scale was given to adhoc appointees
the view taken by us that the upgraded scale of Rs.700-
1300 will be admissible only if the posts are filled in
accordance with the recruitment rules, is erroneous.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The arguments advanced by the learned counsel for the review applicant had all been advanced earlier also and had been duly taken care of in our judgment. Quoting ^{in Presidential} ~~sanction~~ of the upgradation of the posts we referred emphatically to the fact that the upgradation will take "effect from the dates on which the higher grade posts are filled-up in accordance with the prescribed procedure" and after detailed discussion we came to the conclusion that because of the aforesaid condition in the ^{presidential} ~~sanction~~ the existing incumbents of Group 'B' posts of Research Officers would not automatically be entitled to the higher scale of pay unless the Recruitment Rules prescribed in the upgraded posts have been followed. Since the Recruitment Rules were promulgated on 12.4.85 only those of the incumbents who were selected in the upgraded posts in accordance with these Recruitment Rules were deemed to be entitled to the revised pay scales from the date of their promotion. The order of adhoc ^{now appended with} ~~appointments indicates that~~ ⁱⁿ the review application does not help the review applicant as this order apart from being in the nature of an adhoc appointment is an order

in the nature of a fresh appointment and not an automatic transference of all the incumbents from Group 'B' scale to the upgraded Group 'A' scale.

This new fact of adhoc appointment cannot be accepted ^{even otherwise} for the purpose of review as it cannot be said that this fact could not have been available to the review applicant inspite of due diligence before our judgment was delivered.

3. The scope of review is limited. The view taken by us regarding admissibility of the upgraded scale of pay may be erroneous but that cannot be challenged in a review application. In M/s Associated Tube Wells Ltd., Versus R.V. Gujermal Modi, AIR 1957 SC 742, the Supreme Court held that a view arrived may be erroneous but that by itself can afford no ground for review. In M/s Tungabhadra Industries ^v Govt. of Andhra Pradesh, AIR 1964 SC 1372, the Supreme Court held that a review is not an appeal in disguise to correct an erroneous decision but lies only for a patent error. A review cannot be made unless the court is satisfied that ^{there is} a grave error manifest on the face of the order ^{which} undermines its soundness or has resulted in miscarriage of justice. (vide Chandra Kanta Vs. Sheikh Habib, AIR 1975 SC 1500; Avtar Singh Vs. Union of India, AIR 1980 SC. 2041; A.T.Sharma Vs.

A.P. Sharma, 1979(4) S.C.C. 389, and Northern India
Caterers (India) Ltd. Vs. Lt. Governor of Delhi, 1980(2)
S.C.C. 167 at 171-172).

4. In the light of what has been discussed
above, we see no merit in the review application and
reject the same.

Shankar
24/4/89
(P.K. Kartha)
Vice Chairman

S.P. Mukerji
24.4.89
(S.P. Mukerji)
Vice Chairman

Sn.