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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...

R.A.No. 23 of 1995 in O.A. No.1967 of 1988

Dated New Delhi, this 2nd day of February, 1995

Hon'ble Shri J. P. Sharma, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Shri H. S. Panwar  
S/o Late Shri Kishan Singh Panwar  
R/o C-58 Krishi Vihar  
NEW DELHI-48

... Review Applicant

Versus

1. Secretary  
Ministry of Information and Broadcasting  
Government of India  
Shashtri Bhawan  
NEW DELHI-1
2. Secretary  
Ministry of Personnel, Public  
Grievances and Pensions  
North Block  
NEW DELHI-1
3. Secretary  
Ministry of Finance  
Department of Expenditure  
North Block  
NEW DELHI-1
4. Secretary  
Indian Council of Agricultural Research  
Krishi Bhawan  
NEW DELHI-1

... Respondents

JUDGEMENT (By Circulation)

Shri B. K. Singh, M(A)

This R.A. No.23/95 has been filed under section 22(3)(f) of the Administrative Tribunal Act, 1985 for review of the judgement and order dated 27.9.94 in O.A. No.1967/88.

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22 (B)

2. The judgement was delivered after the conclusion of the oral arguments and after the submissions of the written statements filed by the applicant on 23.2.94. Shri Panwar was appointed to Grade-III on deputation (ad hoc) basis. Paragraph-5 of the relevant circular stipulated that Shri Panwar will have no claim for absorption/regular appointment in Grade-III of CIS on the basis of this selection. Annexure 'D' filed by the applicant at page 16 of the O.A. enunciates the principles for pay fixation. It stipulated that on deputation to a Public Sector Undertaking a deputationist will have the option either (i) to draw the grade pay plus deputation allowance at the rate of 10% of his grade pay subject to a maximum of Rs.500 per month, or (ii) to draw pay in the scale of pay attached to the post in the Public Sector Undertaking. ICAR is registered under the Societies Registration Act and is not a Public Sector Undertaking. His pay thus was regulated on the basis of the circular No.A-12025/1/83-CIS Government of India, Ministry of Information and Broadcasting, New Delhi dated 15.12.83. He made a request for pay fixation in the revised pay scale of Rs.2000-3500. The admitted fact is that Shri Panwar never opted for the pre-revised pay scale of Rs.650-1200. It is only after the submission of the Fourth Pay Commission's recommendations that he opted for the pay scale of Rs.2000-3500. It is uncontroverted that the respondents did not accept his request. It is also an admitted fact that Fourth Pay Commission's recommendations were not accepted by the ICAR for its employees. M. V. Rao Committee and M. G. K. Menon Committee all went in depth and in consultation with the Chairman of U.G.C. and the Ministry of Finance,

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29 (W)

Department of Expenditure accepted the pay package of U.G.C. The statement of pay fixation filed by the respondents has already been placed at pages 9 & 10 of the judgement and there is nothing wrong in that pay fixation and on that basis the OA was dismissed.

3. The Tribunal does not have any inherent power of review. The power of review is exercised under provisions of Order 47 Rule 1 read with Section 114 of the CPC. Order 47 Rule 1 lays down the parameters for entertaining a Review Application. The first ground on the basis of which a review can lie is that there should be an error - legal or factual apparent on the face of the record without any elaborate effort needed to establish the same. There is no legal or factual error apparent on the face of the record.

4. The second ground is discovery of a new fact or piece of evidence which inspite of due diligence was not within the knowledge of the review applicant and could not be produced at the time of hearing or when the order was made. No new document or an important fact or piece of evidence has been marshalled warranting a review of the judgment and order passed in the O.A.

5. The third ground is any other sufficient or reasonable cause analogous to what has been mentioned in the above two grounds. There is no substantial or reasonable cause advanced by the review applicant for review of this application.

(S)

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6. This R.A. does not fall within the four corners of Order 47 Rule 1 and accordingly this is summarily rejected under Order 47 Rule 4(1) of the CPC.

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(B. K. Singh)  
Member(A)

J. P. Sharma

(J. P. Sharma)  
Member(J)

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