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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO. 336/93 &
C.C.P. NO. 388/93 in
O.A. NO. 1241/88

DECIDED ON : 5.10.1993

M. C. Arya ... Petitioner

Vs.

Union of India ... Respondents

CORAM :

HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri K. N. R. Pillai, Counsel for Petitioner

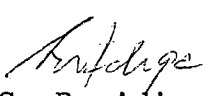
J U D G M E N T (ORAL)

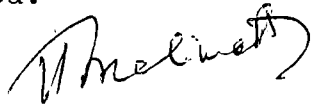
(By Hon'ble Mr. Justice V. S. Malimath)

In this review application the petitioner has sought review of the judgment of the Tribunal rendered in OA 1241/88. The petitioner held an ad hoc appointment in another organisation before he was regularly selected and appointed to the post in question. The scale of pay in the post held by him earlier as also the scale of pay of the new post are identical. The contention of the petitioner was that he was entitled to the benefit of pay which he had earned in the previous post as also to count that period for the purpose of increments in the new appointment. This contention has not been accepted by the Tribunal on the ground that the earlier appointment of the petitioner was on ad hoc and not on regular basis in the sense it was not made after a regular DPC or considering the claims of everyone duly qualified for that

post. It is on that basis that the Tribunal held that the petitioner is not entitled to claim the benefit of the pay which he had earned in the previous post. Shri Pillai, learned counsel for the petitioner, submitted that the Tribunal committed an obvious error in not applying the proviso to FR-22 to the facts of this case. It was submitted that merely on the ground that the earlier appointment was ad hoc and not a regular one, it was not right to deny the benefit of fixation of pay invoking the proviso to FR-22. In our opinion, the contention raised does not satisfy the criteria of there being an error apparent on the face of record justifying review. Assuming for the sake of argument, the petitioner is right in his contention, it would only mean he is not satisfied with the view taken by the Tribunal and that in his view the correct view is otherwise. If that is so, the proper remedy for the petitioner is to challenge the correctness of the judgment of the Tribunal by way of appeal in the Supreme Court.

2. As we are satisfied that there is no error apparent on the face of record, the question of review does not arise. This review application is accordingly rejected.


(S. R. Adige)
Member (A)


(V. S. Malimath)
Chairman

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