

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

RA No. 210/96 in
OA No. 1673/91
MA No. 127/96

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New Delhi this the 29th day of January, 1996.

Hon'ble Sh. N.V. Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

A.S. Chaudhary & Others ...Applicants

(By Advocate Sh. Naresh Kaushik)

Versus

Union of India & Others ...Respondents

ORDER (By circulation)

OA-1673/91 was dismissed by our order dated 4.7.95. The present application has been filed to seek review of that order. It is accompanied by a Miscellaneous Application for condonation of delay.

2. We have perused the Review Application and the MA. We are satisfied that it can be disposed of by circulation as we proceed to do so.

3. It appears that the applicants filed a S.L.P. before the Supreme Court against the aforesaid order dated 4.7.95. That S.L.P. was disposed of by the Supreme Court on 6.11.95 observing that the petitioners sought permission to withdraw the S.L.P. with liberty to approach the Tribunal for reconsideration of the impugned judgment. That prayer was allowed and the SLP dismissed.

4. Review Application has been filed on 15.12.95. In the MA it is prayed that in view of the above circumstances the delay be condoned, particularly when it is noted that there is no delay if reckoned from the order of the Supreme Court.

5. In the view we take in the matter the delay is condoned. In the OA the prayer was that the impugned order granting to the staff only two advance increments on their acquiring a degree of Engineering was challenged on the ground that this was discriminatory because in the Railways six advance increments are granted. The OA was dismissed on the ground that the respondents have established that the aforesaid order granting two advance increments was passed in the light of a settlement reached on the joint charter of demands submitted by the association. The respondents had produced a copy of the decisions taken on these demands at Annexure R-1.

6. It is now stated in the Review Application that the Central Government has taken decision on 31.5.95 approving a standardised scale of incentive (Annexure-1) sanctioning lump sum amount in place of the advance increments sanctioned earlier. It is also contended that the respondents have misled us because there was an earlier agreement dated 2.11.89 which provided for the grant of five increments (Annexure 2). It is further contended that the question of discrimination was not discussed.

7. We notice that the decision of Government dated 31.5.95 (Annexure-1) was not placed on record in the O.A. In so far as the earlier settlement dated 2.11.89 (Annexure 2) is concerned, we notice that the OA was not filed on the basis that the impugned order was violative of the settlement dated 2.11.89. On the contrary, the application is totally silent on the settlement and to that extent there is suppression of relevant material. It is only in the rejoinder that the applicants produced the

settlement on 2.11.89 contending that even that agreement cannot hold good, as it cannot be contrary to the provisions of law.

8. As the impugned order was passed on the basis of settlement which itself has not been challenged, we dismissed the application. We also found that there was no discrimination in this regard. In the circumstance, we find that no good ground has been raised justifying a review and accordingly the R.A. is dismissed.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

N.V. Krishnan
(N.V. Krishnan)
Acting Chairman

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