

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(14)

RA No.262/92 in
OA No.1011/91

Date of decision: 26th Aug. 92

Mahender Pal & Ors. ... Applicants

versus

Union of India & Ors. ... Respondents

Coram: THE HON'BLE SH.T.S.OBEROI, MEMBER(J)

ORDER

This Review Application has been filed by the applicants in OA 1011/91, which was decided by the undersigned, vide judgement dated 23.4.92. The main point urged by the applicants in this Review Application is that the appointment of the applicants to the post of Lower Selection Grade Supervisor, essentially involves promotion, as is also evident from the fact that the applicants were granted special allowance for their supervisory work at the rate of Rs.40/-per month, and hence, the applicants' pay deserves to be fixed under FR 22-C(now F.R.22(1)(a)(1)). In other words, the ground for review is that both the requirements, i.e., that there should be promotion and that the promotional post should involve higher responsibilities or responsibilities of greater importance are met with in the instant case and, therefore, the applicants' pay should be fixed in accordance with FR 22-C(now FR 22(1)(a)(1)), ibid.

2. Powers of review as contained in Section 22(3)(f) of the Administrative Tribunals Act, 1985, are the same as provided in Order 47, Rule 1 of the Code of Civil Procedure, 1908. The same precisely provide for the following contingencies for review of a decision/

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judgement/order:-

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

3. I have carefully examined the grounds of review as contained in the present application, in the light of the above provisions. The points urged in the present Review Application have been discussed and dilated upon in the judgement, against which the present RA has been filed. The scope for review is limited, as is evident from the provisions referred to above, as also held in A.T.Sharma vs.A.P.Sharma & Ors(AIR 1979 SC 1047). In any case, it cannot be taken as a ground for rehearing, and, therefore, I find no reason to grant the present Review Application which accordingly stands rejected.

4. A copy of this order be sent to the counsel for the applicants.
for the applicants.

T.S. Oberoi 26.8.92
(T.S.OBEROI)
MEMBER(J)