



Central Administrative Tribunal
Principal Bench, New Delhi

1. R.A.No.3/2007
IN
O.A.No.1448/2004

2. R.A.No.4/2007
IN
O.A.No.1445/2004

New Delhi this the 13 day of July, 2009.

Hon'ble Shri Shunker Raju, Member (J)
Hon'ble Smt. Chitra Chopra, Member (A)

R.A.No.3/2007

Shri A.L. Gogna
S/o late Shri M.R. Gogna
R/o 52, Shastri Park
Gali No.3, Chander Nagar Road, Delhi-51

-Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Union of India through
Secretary, Ministry of H.R.D.
Union of India
Shastri Bhawan, New Delhi-1
2. Chief Secretary
Govt. of NCT of Delhi
Players□ Building
ITO, New Delhi
3. The Director and Principal Secretary
Directorate of Technical Education
Govt. of NCT of Delhi
Muni Maya Ram Marg, Pitampura
Delhi-88
4. The Principal
PUSA Polytechnic
PUSA, New Delhi-12

-Respondents

(By Advocate: Ms. Jyoti Singh)

R.A.No.4/2007

Shri K.L. Gauba
S/o late Shri Khem Chand
R/o H.P. 138, Pitampura
Delhi-34.

-Applicant



(By Advocate: Shri Arun Bhardwaj)

Versus

1. Union of India through
Secretary, Ministry of H.R.D.
Shastri Bhawan, New Delhi-1
2. Chief Secretary
Govt. of NCT of Delhi
Players' Building
ITO, New Delhi
3. The Director and Principal Secretary
Directorate of Technical Education
Govt. of NCT of Delhi
Muni Maya Ram Marg, Pitampura
Delhi-88
4. The Principal
PUSA Polytechnic
PUSA, New Delhi-12

-Respondents

(By Advocate: Ms. Jyoti Singh)

O R D E R (ORAL)

Shri Shanker Raju:

These RAs have come up on remand from the High Court to be disposed of on merits. A common order passed in OA-1445/2004 with OA-1448/2004 on 29.9.2006 rejected the claim of applicants for stepping up of their pay at par with their juniors S/Shri Swaran Singh and V. Swaminathan on the ground that earlier in OA-137/2001 a categorical finding that the seniority list issued on 12.2.1992 was only for the purpose of Workshop Instructor and was not a seniority list of selection grade, against which these RAs have been preferred by both the applicants.

2. Learned counsel of review applicants Shri Arun Bhardwaj would highlight the Annexures of OAs as well as his written submissions to contend that in the seniority list of 1992 Swaran





Singh and V. Swaminathan were placed juniors to applicants and one Mr. Dhiman was allowed stepping up of pay in 1996, the same cannot be denied to the applicants.

3. Learned counsel would also contend that the same seniority list of 1992 was relied upon by the respondents while giving benefit of promotion to O.P. Raghav, as such, they cannot approbate and reprobate by denying this seniority list to be a final list. However, the claim of applicants in pursuance of OA-137/2001, file of which has been perused by us, which clearly shows that the issue regarding seniority list of 1992 being final and not the list showing seniority or juniority vis-à-vis Swaran Singh and Swaminathan and as in selection grade this seniority list was not used. A categorical finding in OA-137/2001 to the extent that the seniority list of 12.2.1992 was list of Workshop Instructor working in the polytechnics has no relevance with the present matters, as the applicants are comparing their pay with those who got selection grade on the basis of the combined seniority list prepared for selection grade. A finding on judicial side now being assailed in these OAs, of which review has been sought, is not permissible in law. Moreover, we find from the order passed in OA-1445 and 1448 of 2004 on 29.9.2006 that this aspect of the matter in OA-137/2001 was relied upon. We do not find the grounds raised as apt in law and within the ambit of Section 22 (3)(f) of Administrative Tribunals Act, 1985, as there is neither any error apparent on the face of record nor discovery of new material, which even after exercise of due diligence was not available with the applicants. In fact, applicants are re-agitating the issue, as if in appeal, which is not permissible. In view of the decision of the



Apex Court in ***State of West Bengal v. Kamal Sengupta***, 2008

(9) SCALE 509 these RAs are dismissed, but without any order as to costs.



(Dr. Veena Chhotray)
Member (A)



(Shanker Raju)
Member (J)

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