

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

38

R.A.No.6/2006 in
O.A.No.1597/2004

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Smt. Chitra Chopra, Member (A)

New Delhi, this the 2nd day of July, 2006

Technical Executive Officer's Association
Transport Deptt. Delhi.

... Applicants

(By Advocate: **Sh. Arun Bhardwaj**)

Vs.

Govt. of NCT of Delhi & Others.

... Respondents

(By Advocate: **Sh. Ajesh Luthra, for R-2&3; None for R-1**)

ORDER

By Justice B. Panigrahi, Chairman

In this application, the applicants have sought to review the order dated 16.8.2005 whereby the OA No.1597/2004 was dismissed.

2. The Technical Executive Officers of Transport Department, Delhi filed the Original Application praying to set-aside and/or quash the order dated 30.4.2004 passed by the respondents by rejecting their representation whereby the applicants sought parity of pay scale equivalent to their counter-parts in other States. They claimed, in their application, a direction to maintain parity in the scale of pay of Rs.8000-13500, which was given to the Assistant Regional Transport Officers of the other States.

3. The grounds on which the applicants sought review of the said Judgement is that although number of documents had been enclosed along with their rejoinder in the OA but none of them had been considered by the Tribunal. It is stated that in the event the Tribunal had considered the documents, it would have been possible that some other conclusion could have been arrived at.

4. While carefully examining the contention raised by the applicants, we went through the findings of the OA. The Tribunal unequivocally came to a finding that the applicants' assertion that they were regularly performing other duties in addition to their routine duties was not correct. The Tribunal while

rejecting the applicants' plea, had also stated that Section 213 of the Motor Vehicles Act empowers the State Government to formulate their own Rules and also to create their own cadre and even they can fix their pay scales. In that view of the matter, the Tribunal was slow in issuing the directions to the State to fix up the pay scale of the applicants in parity with the persons working in other States.


5. Mr. Arun Bhardwaj, learned counsel appearing for the applicants has submitted that had the Tribunal discussed the import of each and individual documents enclosed to the OA and rejoinder, the findings would have been different. We are unable to accept this contention because the Tribunal in review, cannot function as the appellate authority to go into those questions. In this regard, we rely upon the Judgement of the Hon'ble Supreme Court in the case of Union of India v. Tarit Ranjan Das, reported in 2004 (2) ATC 190. The Tribunal cannot enhance the power of review to that of the appellate jurisdiction.

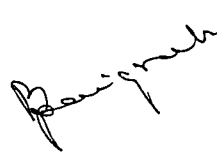
The Hon'ble Supreme Court, in the said case, held as follows:

"13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court. "

6. We notice that this Tribunal had taken all pains to discuss the import of the documents enclosed by the applicants with their rejoinder. Therefore, we find that there is hardly any ground warranting us to interfere in exercise of our review jurisdiction.

7. Accordingly, the Review Application is dismissed.


(SMT. CHITRA CHOPRA)
Member (A)


(B. PANIGRAHI)
Chairman

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