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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

RA NO. 38/2005 IN
OA NO. 2586/2005

This the 26th day of April, 2005

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. S.K.MALHOTRA, MEMBER (A)

Indu shekhar, aged about 30 years,
Son of Shri L.P.Jaiswal,
Resident of 282, Bhur Gaon, Panditwar, Phase-II,
Dehradun.

Versus

1. Union of India,
Ministry of Science and Technology,
1, Rafi Marg, New Delhi
through its Secretary.
2. Council of Scientific and Industrial Research,
1, Rafi Marg, New Delhi
through its Director General.
3. Indian Instituted of Petroleum, Mockam (PO),
Dehradun through its Director.

ORDER (BY CIRCULATION)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Applicant is seeking review of the order of the Tribunal dated 15.12.2004 passed in OA-2586/2004.

2. In the application it is stated that there is an error in the finding of the Tribunal that the post of Technical Assistant is not the entry level post in group 'C' category and also that the question was not argued by the counsel for applicant. It is submitted that the circular dated 20.4.1998 clearly showed that Central Civil post carrying pay or pay scale with the maximum of over Rs.4000/- but not less than Rs.9000/- falls in Group 'C' category and this circular is binding on the respondents so the finding of the Tribunal to the

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converse is required to be recalled. It is further submitted that the Tribunal also wrongly held that the CSIR was a registered society and not the Central Government whereas the Supreme Court in All India Sainik Employees Association vs. Defence Ministry-cum-Chairman Board of Governors AIR 1989 SC 88 and Prathma Bank, Moradabad vs. Vijai Kumar Goel, AIR 1989 SC 1977 has held that the Societies were also state within the purview of Article 12 of the Constitution of India, therefore, the finding requires to be recalled. Furthermore, it is submitted that in para 1 of the OA the applicant has pleaded that the post of Technical Assistan Grade-III is equivalent to the post of Project Assistant Group 'C' and the circular dated 20.4.1998 was admitted by the Tribunal vide order dated 14.12.2004 which indicated that the post of Technical Assistant Grade-III in the pay scale of Rs.4000-9000 was a Group 'C' post, therefore, the Tribunal cannot assume that the matter was not argued. So the finding requires review. The Tribunal has not taken into consideration the effect of circular dated 20.4.1998. The respondents have not complied with the direction of the order of the Tribunal in OA-1292/99 and 325/2000 and it has also not been taken note of by the Tribunal which is abuse of the process of law and authority and deserved to be recalled.

3. We have carefully considered the record of the case, the application for review and the order passed by us.

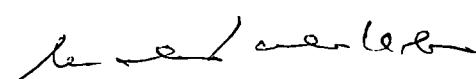
4. The main contention of the applicant is that the Tribunal has not taken into consideration the circular dated 14.12.2004 by which the civil post under the Central Government was classified into various groups. The argument is felacious since the Tribunal has taken into consideration the reclassification of the civil post as per the circular dated 14.12.2004 and discussed it in para 8 of the order and it has been observed that applicant has filed extract of CCS (CCA) Rules according to which a civil post carrying a pay scale with maximum of over Rs.4000/- but not less than Rs.9000/- was classified as Group 'C' post and according to the counsel for applicant, the post of Techincal Assistant Grade III



which carries the pay scale of Rs.4000-9000 falls in this category. There is no force in the contention that the copy of the order of the Central Government reclassifying the civil post was not taken into consideration. The Tribunal cannot treat the application for review as an appeal. There is not mistake apparent on the face of the record.

5. The next contention is that the Tribunal in the order has observed that there was no allegation in the OA or even during the arguments advanced on behalf of the applicant that the post of Technical Assistant Grade III was the entry level of Group 'C'. This observation is erroneous and contrary to the material evidence on record as much as the applicant in para 1 of the OA itself has pleaded which has not been denied by the respondents that the post of Technical Assistant Grade-III was equivalent to the post of Project Assistant of Group 'C'. The applicant perhaps has not fully appreciated the observation of the Tribunal. The Tribunal has observed that there was no allegation or argument that the post of Technical Assistant Grade-III was entry level post of Group 'C' post. There is no error apparent on the face of the record. The observation of the Tribunal is clear and we cannot reopen this question and record fresh finding as if we are deciding an appeal and not considering a review application.

6. The next contention of the applicant is that the Tribunal has erroneously held that the respondent CSIR was a registered society and not a Central Government which is contrary to the judgment of the Hon'ble Supreme Court which has stated that the society is also a state amenable to the jurisdiction of the Hon'ble High court. In the order the Tribunal has held that the respondent is a registered society and not a department of the Government. The employees of the respondents society are governed by its own rules and regulation framed by the society. The question before the Tribunal was not whether the respondent was a state and was amenable to the writ jurisdiction of the High Court under Article 226 of the Constitution of India. The provisions



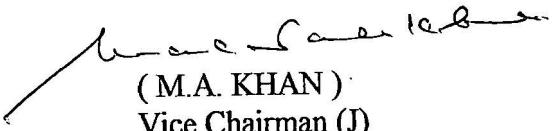
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of the Administrative Tribunals Act 1985 have been extended over the CSIR, a registered society and the Tribunal has jurisdiction to entertain applications under Section 19 of the Act. The jurisdiction of the Tribunal was never a question raised or decided in the OA.

7. Therefore, for the reasons stated above, we do not find that there is any error apparent on the face of the record which warrants review of the order. Accordingly, the review application is dismissed.


(S.K.MALHOTRA)

Member (A)


(M.A. KHAN)

Vice Chairman (J)

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