

(21)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO.44/2005

in

O.A. NO.436/2004

This the 14th day of March, 2005

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SMT. MEERA CHHIBBER, MEMBER (J)

Arun Kumar Pandey

... Applicant

Versus

Union of India & Others

... Respondents

O R D E R (IN CIRCULATION)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A):

Through this application applicant has sought review of Tribunal's order dated 3.1.2005 whereby OA No.436/2004 was dismissed.

2. It has been stated in this review application that applicant was not accorded opportunity of establishing that he had held a Group 'C' post at the time of his appointment in 1987 in his parent organisation, i.e., BSF. Thus, applicant's claim that the post of Constable (Driver) held by applicant in BSF should have been treated as analogous to the post of Staff Car Driver in the Department of Economic Affairs was rejected.

3. In paragraph 5 of the Tribunal's order in question the contention made on behalf of respondents has been stated to be to the effect that none of the factors relating to treating the original post and the deputation post on which an employee is ultimately absorbed as analogous have been met in the instant case. Referring to Annexure RA-1 dated 18.1.1998 filed on behalf of the applicant himself, it was contended on behalf of respondents that the present post held by applicant is

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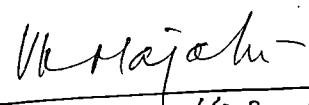
superior in all respects, such as pay scale, duties and responsibilities, status, qualification etc., than the post held by him in the parent department. In annexure RA-1 applicant had admitted that he had been holding a Group 'D' post in BSF on 22.5.1987, which became a Group 'C' post later on. It was also stated by applicant in Annexure RA-1 that the condition that holding Group 'D' post was relaxed for purposes of absorption as Staff Car Driver by the DOP&T. The Tribunal interpreted Annexure RA-1 as an admission on behalf of applicant to the effect that he was holding a Group 'D' post at the time of his initial appointment on 22.5.1987 in BSF. That was not a Group 'C' post at that time. He held a lower pay scale of Rs.825-1200 in the parent department vis-à-vis the scale of Rs.950-1500, i.e., the pay scale of Staff Car Driver in the Department of Economic Affairs. The learned counsel of applicant was specifically asked to furnish proof to the effect that applicant was holding a Group 'C' post at the time of his appointment in 1987 in BSF and also that the qualifications prescribed for the post in BSF are the same as that of the Staff Car Driver in the Department of Economic Affairs. The learned counsel of applicant was unable to furnish these proofs. He also did not agree to file an affidavit on behalf of applicant to establish that applicant had held a Group 'C' post in his parent department at the time of his initial appointment.

4. The applicant has not been able to point out any error on the face of record in the review application. He had been provided full opportunity of establishing his claim. The present ^{R.A.P.} is merely an attempt to re-argue the case which is not within the scope and ambit of review.

5. This review application is accordingly dismissed in circulation.


(Meera Chhibber)
Member (J)

/as/



14.3.05
(V. K. Majotra)
Vice-Chairman (A)