

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

1. RA No.116/2005

In

OA No.2306/2004

2. RA No.118/2005

In

OA No.2305/2004

3. RA No.119/2005

In

OA No.2304/2004

New Delhi this the 21st day of September, 2005.

Hon'ble Mr. V.K. Majotra, Vice-Chairman (A)
Hon'ble Mr. Shanker Raju, Member (J)

RA No.116/2005

Union of India & Others

-Review Applicants

(By Advocate Shri S.N. Sharma)

-Versus-

Kanwar Bahadur

-Respondent

(By Advocate Shri Surinder Singh)

RA No.118/2005

Union of India & Others

-Review Applicants

(By Advocate Shri S.N. Sharma)

-Versus-

Sohan Pal & Othes

-Respondents

(By Advocate Shri Surinder Singh)

RA No.119/2005

Union of India & Others

-Review Applicants

(By Advocate Shri S.N. Sharma)

-Versus-

Devi Dutt & Others

-Respondents

(By Advocate Shri Surinder Singh)

ORDER

Mr. Shanker Raju, Hon'ble Member (J):

As these RAs emanate from a common order passed in the aforesaid OAs, involving identical question of law, are being disposed of by this common order.

2. Applicants being valve men on the basis of a decision in OA-51/2002, which was affirmed in CWP No.1391/1999 by the High Court of Rajasthan and also affirmed in SLP No.3984/2001 were accorded the revised pay scale of Rs.950-1500 from the date of initial appointment(s) with all consequential benefits with liberty to respondents to implement in the manner OA-51/2002, which has been implemented by the respondents vide letter dated 21.7.2003 subject to outcome of the SLP.

3. Learned counsel for respondents, i.e., review applicants states that one Devi Dutt and others, applicants in one of the OAs, disposed of, had earlier come before this Tribunal in OA-1075/2001, whereby by an order dated 18.3.2002 taking cognizance of the stay in SLP No.19483/1999 OA was kept in abeyance, with liberty to either party to revive the OA, if so advised.

4. In the above conspectus it is stated by the learned counsel of review applicants that these facts have been suppressed by original applicants and the review applicants are without jurisdiction in the wake of pendency of one OA to approach this Court for the same relief in the subsequent OAs.

5. Shri Sharma, learned counsel of review applicants contends that at the time of arguments decision of the Apex Court where the decision of the High Court of Rajasthan was stayed in SLP No.11442/2003 in the case of **Union of India & Anr. v. Gepa Ram Valveman & Ors.** even after exercise of due diligence could not be brought before the Court. As such, review of the order is sought.

6. On the other hand, Shri Surinder Singh, learned counsel for respondents in RAs stated that applicants Devi Dutt & Others who were parties in the earlier OA on liberty accorded by the Court filed OA, which is the subject matter of review,

states that the decision of the Tribunal does not suffer from any infirmity as the decision in the case of valve men was upheld by the High Court of Rajasthan, against which SLP was turned down and having implemented the same the only direction given to extend the benefit to applicants and implementation in terms of OA-51/2002 cannot be found fault with.

7. We have carefully considered the rival contentions of the parties and perused the material on record. It is trite law that in a review limited scope is available. However, discovery of new material, including decision of the Apex Court, which could not be produced by the contending party even after due diligence and the decision rendered per incuriam of it is a valid ground of review, as held by the Apex Court in **K.G. Derasari & another v. Union of India & others**, 2002 SCC (L&S) 756. We also find that the fact of filing earlier OA by Devi Dutt & others had not been disclosed by the original applicants.

8. In the above view of the matter, RAs are allowed. The common order passed in the aforesaid OAs on 6.4.2005^u is recalled and the OAs are restored back to their original positions.

9. List for hearing on 30.09.2005.

Copy be kept in each file.

S. Ram
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra) 21.9.05
Vice-Chairman(A)

'San.'