

**Central Administrative Tribunal
Principal Bench**

RA 153/2005
In
OA 2322/2004

New Delhi, this the 3rd day of April, 2006

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Mrs. Chitra Chopra, Member (A)

Vivek Chander Sharma
R/o DG-981, Sarojini Nagar,
New Delhi – 110 023.
Applicant

..Review

(By Advocate: Shri Yogesh Sharma)

-Versus-

Union of India through

1. Secretary,
Ministry of Human Resource Development,
Deptt. of Elementary Education & Literacy,
Govt. of India, Shastri Bhawan,
New Delhi.
2. The Deputy Secretary,
Ministry of Human Resource Development,
Deptt. of Elementary Education & Literacy,
Govt. of India, Shastri Bhawan,
New Delhi.
3. The Director,
Directorate of Adult Education,
Ministry of Human Resource Development,
Block No. 10, Jamnagar House,
Shahjahan Road,
New Delhi.

...Respondents

(By Advocate: Shri T.C. Gupta)

O R D E R (ORAL)

By Hon'ble Shri Shanker Raju, Member (J):

Applicant in OA has filed the present Review Application being aggrieved by an order passed on 14.3.2005 by the Tribunal whereby his

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request for financial upgradation under ACP Scheme in the pay scale of Rs. 10000-15200/- has been turned down.

2. Basically Shri Yogesh Sharma, learned counsel for the applicant states that as per clarification Nos. 44 and 56 of the ACP Scheme, 1999 thought the post held by the applicant is an isolated post yet he is to be accorded the same pay scale of Rs. 10000-15200/- as extended to others in different Ministries and Departments and this point had also raised before the Tribunal when the main OA was finally heard and decided. This, according to the applicant, is an error apparent on the face of record.

3. Learned counsel would also contend that the decision of Guwahati Bench cited by the applicant in **Shri Ananta Ram Baishya & Others vs. Union of India & Ors.**, 2004(2)ATJ CAT 468, though referred to but no reasons have been recorded as to its applicability, which requires review of the order.

4. On the other hand, respondents' counsel Shri T.C. Gupta vehemently opposed the contentions and stated that the power of review cannot be exercised with a view to re-agitate the matter and having considered all the relevant consideration, a ground, which has been though raised but not discussed, cannot form a ground for review.

5. We have considered the rival contentions of the parties and perused the material on record.

6. In the light of decision of the Apex Court in **Shanker A. Mondal vs. State of Bihar**, 2003 (2) SC SLJ 35, what is permissible under review is to call attention of the court if the points argued in the court have been wrongly recorded but there would be no grievance to adduce

that point before the court having already been considered. An error should be on the basis of record, which reflects and needs no probe to unearth it. Though according to the applicant clarification Nos. 44 and 56 of the ACP Scheme, 1999 provide grant of pay scale and he had taken this plea yet ground argued if not considered would not form basis of review.

7. In the light of the above, applicant is trying to re-agitate the issue which, having regard to the decision of the Apex Court rendered in **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160, does not fall within the ambit of Order XLVII Rule (1) CPC read with Section 22(3)(f) of the A.T. Act and accordingly the present Review Application is dismissed with no order as to costs.



(Mrs. Chitra Chopra)
Member (A)



(Shanker Raju)
Shanker (J)

/na/