

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

R.A. No. 30 of 1996
in
O.A. No. 2202 of 1992

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New Delhi, dated the 4th MAY 1998.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

The Indian Railways Technical
Supervisors Association,
Central Headquarters,
32, Phase-6, Mohali Punjab,
Chandigarh-160055.

Regd. Office:

A-145, Saraswati Vihar,
Delhi-110034
through the General Secretary
Shri harchandan Singh ... REVIEW APPLICANT

(By Advocate: Shri B.S.Mainee)

VERSUS

1. Union of India through
the Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The General Manager,
North Eastern Railway,
Gorakhpur.
4. The General Manager,
Western Railway,
Church Gate,
Bombay.
5. The General Manager,
Central Railway,
Bombay V.T.
6. The General Manager,
Eastern Railway,
Fairly Place,
Calcutta.
7. The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta.

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8. The General Manager,
South Central Railway,
Secunderabad.
9. The General Manager,
Southern Railway,
Madras.
10. The General Manager,
N.F. Railway,
Guwahati.
11. The General Manager,
I.C.F., Perumbur,
Madras.
12. The General Manager,
D.L.W., Varanasi.
13. The General Manager,
C.L.W., Chittaranjan.
14. The General Manager,
Diesel Components Works,
Patiala.
15. The General Manager,
R.C.F., Kapurthala.
16. The General Manager,
Wheel & Axle Plant,
Bangalore.

... RESPONDENTS

(By Advocate: Shri R.L.Dhawan)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

We have heard Review Applicants' counsel Shri Maine and respondents' counsel Shri Dhawan on R.A. No. 30/96 pressed by Shri Maine seeking review of judgment dated 4.1.96 in O.A. No. 2202/92 Indian Railway Technical Supervisors Association Vs. UOI & Ors.

2. The main argument advanced in support of the R.A. is that after the O.A. had been filed, applicants had filed an M.A. on 4.8.94 enclosing a copy of Defence Production Dept.'s Notification dated 13.4.93; and another M.A. on 23.3.95 enclosing

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copies of Surface Transport Ministry's Notification dated 19.4.94 and Defence Ministry's Notification dated 27.3.92 reclassifying those in the scale of Rs.2000-3200 and Rs.2375-3500 as Group 'B' Gazetted were not on record before the CAT, Madras Bench when it delivered its judgment on 19.4.94 in O.A. No. 1038/92, ~~but~~ although on ^{our} record, was not considered by us when we delivered our impugned judgment dated 4.1.96.

3. We note that R.A. No. 45/95 and M.A. No. 133/95 were filed seeking review of the CAT, Madras Bench judgment dated 19.4.94 in O.A. No. 1038/92. Relevant portion of the order dated 27.4.95 dismissing that R.A. are extracted below:

" The present Review Petitioners have raised the same ground as had been raised in the O.A. and have sought to reargue the matter. This they cannot do in a Review Application but only in an appeal.

The new point raised in the Review Application is that subsequently, M/o Defence, Dept. of Defence Production and Supply had reclassified certain categories similar to the applicants as Group B orders dated 4.5.94. However, this fact pertaining to some other Ministry taking place after the pronouncement of the order of this Tribunal on 19.4.94 cannot be a ground for reviewing the order of this Tribunal.

The R.A. is therefore dismissed without any order as to costs."

4. In our impugned judgment dated 4.1.96 we had also noticed the aforesaid order dismissing the R.A.

5. It is clear that atleast 2 of the three Notifications referred to in Para 2 above, were also noticed in the order dated 27.4.95 dismissing the R.A. The CAT, Madras Bench dismissed the R.A. not only because the Notifications were brought to their notice after they had pronounced judgment in O.A. No. 1038/92 on 19.4.94 but also because they pertained to other Ministries and not to the Railway Ministry.

6. This fact, namely that these Notifications relate to other Ministries and not to Railway Ministry is equally applicable in the present case and therefore warrants no interference in the judgment already delivered on 4.1.96.

7. That apart, after the delivery of the judgment on 4.1.96 the 5th Pay Commission which is an expert body and whose term of references also included issues like the ones raised by applicants in O.A. No. 2202/92 has submitted its recommendations but Shri Dhawan has pointed out that it had not recommended any change in the status of members of the Applicant Association, and this has not been denied by Shri Maine.

8. The Hon'ble Supreme Court has held in a catena of judgments that issues such as these are best left to expert bodies such as Pay Commission, which have the necessary expertise, resources and factual data to study the matter in depth and consider at the relativities involved.

9. If the 5th Pay Commission saw no reason to recommend any change in the status of Members of the Applicant Association, manifestly the impugned

judgment dated 4.1.96 dismissing the prayer for
change in ^{applicant Associations} status to Group 'B' Gazetted warrants no
interference.

10. The R.A. is rejected.

A. Vedavalli

(DR. A. Vedavalli)

Member (J)

S. R. Adige

(S.R. Adige)

Vice Chairman (A)

/GK/