

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 9th day of January, 1997
Review Application No. 35 of 1995

In

Original Application No. 1106 of 1994

District : Kanpur

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Vijoy Bahadur Verma
S/o Sri Mewa Ram,
R/o 051, Anand Vihar,
Naubasta, Kanpur & 7 Others. . . . Applicants
(Sri Malik Sayed, Advocate)

Versus

1. Chairman,
Ordinance Factory, Board,
10-A, Auckland Road
Calcutta.
2. General Manager,
Ordinance Factory,
Kanpur.
3. Union of India,
through Secretary of Defence,
New Delhi.

. . . . Opp. Parties.

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

Through this application the applicant has
sought review of the order dated 12-1-1995 by which
a Bench of this Tribunal had dismissed the OA
No. 1106 of 1994.

2. In the aforesaid OA, 88 applicants, who were
all working in the trade of machinist in the Ordnance
Factory, Kanpur had sought a direction for their

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upgradation as Machinist highly skilled Grade II w.e.f. 16-10-1981. After considering the pleadings in the OA, the application was dismissed in limine on the ground that trade of Machinist was job evaluated by an Expert Classification Committee, which did not recommend upgradation as prayed for by the applicant, nor such upgradation was recommended even by a subsequent committee known as Anamolies Committee. In these circumstances, relying on the ratio of the decision of the Hon'ble Supreme Court in the case of Shyam Baby Vs. UOI, it was held that a classification made by a body of expert after fully studying and analysing work cannot be disturbed except for strong reasons which indicate that the classification made was unreasonable.

3. The review application has been filed beyond the period of limitation prescribed in the Act. An application has been filed for condonation of delay but the explanation given does not appear to be satisfactory. Nevertheless, we proceeded to examine the averments made in the review application on merit.

4. The grounds taken in the review application are that the Tribunal did not consider the evidence on record and passed the impugned order without considering the facts and circumstances of the case. The further ground taken is that all the applicants are Machinists and, they are doing the job which is equated to job of other tradesmen and, therefore, they deserve upgradation on the basis of their jobs.

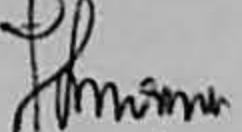
5. It is settled law that a judgement and order already passed can be reviewed only if the said order is shown to be suffering from any error apparent on the face of record or if any new fact is brought

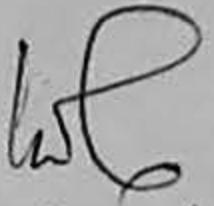
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out warranting review of the order already passed provided such fact could not be brought out earlier despite exercise of due diligence.

6. The order by the Tribunal does not appear to suffer from any error apparent on the face of record. Also no fresh fact has been brought out by the applicant which would necessitate review of the order already passed.

7. The review application has no merit and the same is dismissed accordingly.


Member (J)


Member (A)

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