

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: This the 25/4 day of Nov 2005.

Review Application No. 80 of 2003
(On behalf of Union of India & Others.)
IN
Original Application No. 826 of 1998

Hon'ble Mr. S.C. Chaube, Member (A)
Hon'ble Mr. K.B.S. Rajan, Member (J)

J.S. Bali & OthersApplicants

By Adv: Sri H.C. Purohit

V E R S U S

Union of India & Others.Respondents.

By Adv: Sri S. Singh

O R D E R

By K.B.S. Rajan, JM

This Review Application has been filed by the by the Official Respondents seeking review of order dated 22.4.2003 in OA No. 826/98. As ^{for} Review Application has been filed after the expiry of the limitation period, the same is accompanied by an application for condonation of delay.

2. Delay condoned. Briefly the facts of the case are that the post of Artists has been Feeder Grade for the post of Draftsman as well. In the wake of CPWD arbitration award, the Draftsman got some benefits of higher pay scale. The applicants to the OA who are holding the post of Artists had claimed ~~Parity~~ in the higher pay scale stating that they also belong to Draftsman Cadre. The respondents

contested the OA and after hearing the matter this Court had passed the following order:-

"Incase the matter has not been placed before the Anomalies Committee. in ~~the~~ case, steps should be taken by the respondents to place the matter before the Anomalies Committee within a period of two months from the date of receipt of copy of this order and communicate the decision taken thereof to the applicants within a period of two months thereafter."

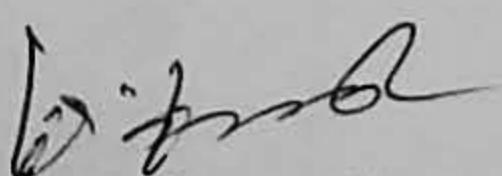
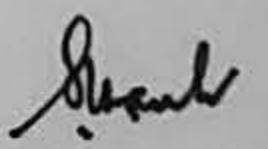
3. The contention of the respondents in the OA i.e. the review applicants is that the above order came to be passed on the basis and in the light of letter dated 23.06.1998. According to the Review Applicants ~~the~~ subsequent development is such that the Anomaly's Committee which was constituted did not continue and by the time this order came to be passed this Anomaly Committee stood already wound up. Again the Review Applicants contended that as per Counter there is no Anomaly that existed in this case in as much as the Artists cannot claim priority with Draftsman Cadre unless they come within the Draftsman Cadre. Thus according to the respondents in the OA there are errors apparent on the face of records and as such the order under Review may be recalled and suitably modified taking into account the subsequent developments.

4. We have heard the learned counsel for the Review applicants. In fact when the order under review was passed it was expected of the respondents to have kept the Court informed of the continuance or otherwise of the Anomaly Committee. This was not

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ione. At the same time it should be borne in mind that the purpose of reference to Anomaly's Committee is to examine whether the applicant could be treated as belonging to Draftsman Cadre to derive the benefit of the revision of pay scale. In case the matter could not be referred to the Anomaly's committee to have the matter clarified, it could be possible to refer the matter to the Nodal Ministry namely the DOPT so that the matter could be examined. As such the order dated 22.4.2003 is modified to read to the extent, "as the matter has not been referred to the Anomaly's Committee, a reference may be made to the Ministry of Personnel with the request that the matter may be considered with a view to the examining whether the Artists should be treated at par to the Draftsman for the benefit of higher pay scale in accordance with the CPWD arbitration award."

5. With the above modification to the order dated 22.04.2003 of the OA, the Review Application is disposed of.


Member (J)
Member (A)

/pc/