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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No.89 of 2007

in

Original Application No. 1094 of 2005

C.W.

Original Application No. 1093 of 2005

Original Application No. 1092 of 2005

Monday this the 11th day of February, 2008

Hon'ble Mr. Justice Khem Karan, V.C.

Hon'ble Mr. K.S. Menon, Member (A)

1. Prem Nath Gupta, aged about 56 years, S/o Late Sarjoo Prasad, r/o 146-Nav Vihar Colony, Chukhuwala, Dehradun.
(Applicant in O.A. No. 1094 of 2005)
2. Shiv Mohan, aged about 57 years, S/o Sri Ram Adhin, r/o C-446, Rajendra Nagar, Bareilly, (U.P.).
(Applicant in O.A. No. 1093 of 2005)
3. Ram Pal, aged about 57 years, S/o Sri Puran Lal, r/o D-35, Chandan Nagar, Krishna Colony, Street No.4, Moradabad.
(Applicant in O.A. No. 1092 of 2005)

Review Applicants

By Advocate Sri H.S. Srivastava

Versus

Union of India and others

Respondents

ORDER (Under Circulation)

By K.S. Menon, Member (A)

This Review Application No. 89 of 2007 has been filed by all the applicants in the above mentioned three Original Applications seeking review and recall of the Order dated 01.11.2007 passed by this Tribunal in Original Applications with the prayer that matter be decided afresh on merits and to grant all the benefits prayed for in the aforesaid Original Applications.

2. The grounds on which the Order dated 01.11.2007 is to be recalled, have been given at paragraph No. 2 (a) to (g) of the Review Application. These are detailed as under: -

(a) The applicants have submitted the *Division Bench of this Tribunal in its Judgment dated 23.03.2001 in O.A. No. 1006 of 1998 (Prahlad Prasad Vs. Union of India) had specifically*

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directed the respondents to take a decision for placing Lab Technician in the revised scale of Rs.4500-7000/- within a period of three months from the date of Order. They further state that Sri Prahalad Prasad is also a Lab Technician in the same department like the applicants and his scale has been fixed accordingly in the scale of Rs.4500-7000/- . They, therefore, contend that decision of this Tribunal dated 23.03.2001 has to be implemented as per directions of this Court but this point was probably lost sight by this Tribunal while giving its findings in the Judgment dated 01.11.2007 in the aforesaid three Original Applications.

3. A simple reading of the above portion of the Judgment of this Tribunal passed in O.A. No. 1006 of 1998, which is reproduced in paragraph No. 4 of the Judgment dated 01.11.2007 in the aforesaid three Original Applications, would go to show that the impugned orders were set aside purely on the ground that no reasonable opportunity was given to the applicant to state his case. The Tribunal, therefore, besides quashing and setting aside the Order of the respondents, directed his pay to be restored and consequently his pay to be restored to the position it was prior to the date from which respondents reduced his pay scale and consequently his pay. The respondents were also given direction to afford full opportunity to the applicant to state his case before taking a decision. It was also provided in the said Judgment that in the event of an adverse order being passed by the respondents, they would have to pass a reasoned and speaking order with reference to the points raised in the O.A. and such other points raised before them. From the above, it is evident that the respondents were not directed specifically by the Court to grant him the scale of pay so prayed for. They had merely restored it to status quo ante position existing on the date the respondents had reduced his pay scale and pay. It was left to the respondents to decide the matter on merits and as per rules after giving the applicants reasonable opportunity to state their cases. The respondents were also directed by the said order to take a decision for placing the Lab Technicians in the revised scale of Rs.4500-7000/- within a period of three months from the date of the Order. A simple interpretation of this said direction would indicate that there was no specific direction to fix this Lab Technician in the said scale of Rs.4500-7000/- . They were merely directed to take a decision within the specified period. In any case it has been brought out by the respondents that the said Order has been challenged by the Writ

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Petition before the High Court, which is still pending. It is mentioned that these aspects have all been taken into account in the Judgment dated 01.11.2007 and, therefore, it is incorrect on the part of the applicants to say that this aspect has been lost sight of by this Tribunal while passing the Judgment dated 01.11.2007. This ground taken by the applicants is therefore, without any merit and is hence rejected.

4. As regards the grounds stated in paragraphs No. 2(b), 2(c), 2(d), 2(e) and 2(f), it is observed that these all are grounds pertaining to merits of the cases, which the applicants want to be heard and decided afresh. These grounds have already been covered adequately in the Judgment dated 01.11.2007 and since there is no error apparent on the face of the records, these grounds cannot be accepted for reviewing our Order dated 01.11.2007 and are hence rejected.

5. Regarding ground No. 2(g) the applicants have submitted that the relief granted by this Tribunal in the Judgment dated 01.11.2007 was not prayed for in the aforesaid Original Applications, as the same had already been granted by the Jabalpur Bench in its Judgment dated 29.04.1997 and in view of that Judgment no recovery had been made from the applicants. It is mentioned that this particular relief granted in the Judgment dated 01.11.2007 was granted in pursuance of the relief sought in paragraph No. 8 (iv) as per which it was prayed that this Court issue any other direction and order, which this Hon'ble Court may deem fit and proper in the circumstances of the case. It was in this context that the respondents were directed not to effect any recovery of over payment made from 01.01.1996 to 30.09.1997 and recovery made, if any, for the above period should be refunded, as a matter of abundant caution. In any case, this cannot be a ground for seeking review of the Order dated 01.11.2007. This ground being without any basis is also rejected.

6. In view of the above, Review Application No. 89 of 2007 being devoid of merit is rejected.

Guendon
Member (A) 11.2.08

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Vice Chairman