

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.615/96

Friday, this the 7th day of June, 1996.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

PK Jacob, Upper Division Clerk,
Government of India Press,
Koratty.

....Applicant

By Advocate Shri MR Rajendran Nair.

vs

1. Union of India represented by Secretary,
Ministry of Urban Development,
New Delhi.
2. The Director of Printing,
Government of India Press,
New Delhi.
3. The Manager,
Government of India Press,
Koratty.

....Respondents

By Shri TPM Ibrahim Khan, Senior Central Govt Standing Counsel.

The application having been heard on 5th June, 1996, the
Tribunal delivered the following on 7th June, 1996:.

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, an Upper Division Clerk in the Government of India Press, Koratty, was not allowed to cross the Efficiency Bar (EB) on 1.7.85 in the scale of Rs.260-400. His case was to have been reviewed after a year, but this was not done on the ground that applicant had exercised an option to come into a revised pay scale on 1.1.86. The revised scale did not have an EB. Aggrieved by this, applicant filed OA 931/95. The Tribunal declined to grant relief on two grounds:

contd.

(1) that a review in April, 1986 even if it went in favour of the applicant, could not have altered the pay of the applicant on 1.1.86;

(2) that the old scale with the EB did not exist on 18.6.86, that the applicant having come on to the new scale without EB on 1.1.86, any review on 18.6.86 would have no effect on his pay on 1.1.86.

However, the Tribunal stated that the dismissal of the application would not stand in the way of the applicant approaching higher authorities in the Department for getting his grievance redressed. Applicant accordingly submitted A4 representation which has been rejected by the impugned order A5, relying on the second ground of dismissal mentioned above in the order of the Tribunal.

2. Applicant challenges this order on the following grounds:

(1) the second ground relied on by the Tribunal for dismissing OA 931/95 (on which the impugned order is based) is erroneous;

(2) the review should have been held at least in June, 1986, before the pay revision, which was ordered only in October, 1986; and

(3) the impugned order merely quoting the Tribunal's order shows lack of application of mind.

3. As regards ground (1) in para 2 above, if there is an error in the order of the Tribunal in OA 931/95, it cannot be remedied by filing this application.

4. Ground (2) in para 2 above cannot be accepted since the time schedule prescribed for review in OM No.29014/2/88-Est(A)

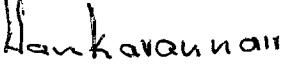
dated 30.3.89 on which applicant relies is only a guideline laid down by the Government of India to regulate its own working (see Union of India & Ors v V Nasirmiya Ahmadiya Chauhan, 1994 SCC (L&S) 1144 paras 2 & 3). No right will accrue to the applicant from these guidelines, nor can any direction be given by the Tribunal on the ground that the time schedule prescribed in the guideline was not adhered to. Besides, the applicant now seeks to have a review for July, 1986 and we cannot now ignore the fact that in July, 1986, the scale, on the basis of which applicant desires to have his pay refixed, was not in existence.

5. Just because the impugned order is based on the observations in the order of the Tribunal in OA 931/95, it cannot be presumed that there was no application of mind. The impugned order gives reasons for its conclusions. Ground (3) in para 2 above cannot be accepted.

6. We see no error either in the reasoning or the conclusions set out in the impugned order. The application is without merit and is dismissed. No costs.

Dated the 7th June, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexures

Annexure A4: True copy of the representation dated 21.8.1995 submitted by applicant to the 2nd respondent.

Annexure A5: True copy of the order No.23011/1/182/95/ EI/5846 dated 9.1.1996 issued by 3rd respondent to the applicant.