

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

R.P.NO. 02/97 in OA.NO. 259/96

Dated this the 12<sup>th</sup> day of February 1997

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

Union of India & Ors.

... Applicants (Orig.Respds)

v/s.

Namdeo Sitaram Shende

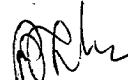
... Respondents (Ori.Applic)

Tribunal's Order by Circulation

In this Review Petition the petitioners who are the respondents in the original OA, have sought review of the judgement on the ground that the clarification issued by department vide their Circular No. 2-20/95-PAP dated 24.7.1995 is based on F.R. 22(iii). This clause is part of F.R. 22(iii) and is in replacement of old F.R. 30 and therefore the fixation of pay under F.R. 22 is required to be fixed by taking the provisions under F.R. 22 (iii) also into account. The F.R. 22 (III) reads as under :-

" (III) For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Government servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith."

2. The basic assumption in this F.R. which was also produced in Circular dated 24.7.1995 is that if the scales of posts which the applicant was holding before promotion and the scale to which he was promoted are identical, then it will be treated as posts with the same responsibility. This aspect has been discussed in Para 6 of the judgement and it is categorically held that this assumption is not correct.



Therefore, I do not see any justification for reviewing the judgement which has already been pronounced in this case. The assumption which the administration had made that ~~in Grade~~ equality in Grade would ~~mean~~ mean equity in duties and responsibilities has not been accepted by the Tribunal. The grounds which have been brought out by the petitioners in the review petition can form ground for appeal against the judgement but do not form ground for reviewing the judgement. The Review Petition is, therefore, dismissed.



(P.P. SRIVASTAVA)

MEMBER (A)

mrj.

ddt: 12/2/97  
Order/Judgement despatched  
to Appellant respondent(s)  
(on 14/2/97) 