

CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT AT NAGPUR

(3)

O. A. No. 810 of 1990

Present : Hon'ble Mr. A.P.Bhattacharya, Judicial Member

Hon'ble Mr. P.S.Chaudhuri, Administrative Member

SMT. CHAMPAVATI SAHA

VS

UNION OF INDIA & ORS

For the applicant : Mr. K.D.Deshpande, counsel

For the respondents : Mr. Ramesh Darda, Govt. Counsel

Heard on : 18.3.91 : Order on : 20.3.91

ORDER

A.P.Bhattacharya, J.M.:

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for issuing direction on the respondents so that she may be placed in the scale of Rs. 2000-3500/- with effect from 1.1.1986 and her arrears of pay and allowance calculated on that basis from the date mentioned above be paid to her at an early date.

2. The applicant has been working as a Home Science/Domestic Science Teacher in the Ordnance Factory School since 1960. The Third Pay Commission had recommended ^{the} A scale of pay for the High School Teachers (Selection Grade) at the scale of ~~pay~~ Rs. 740-880/-. The fourth Central Pay Commission had recommended the revised scale of Rs. 1640-2900/- for the High School Teachers (Selection Grade). It is the grievance of the applicant that while making such recommendation, the Fourth Pay Commission had not duly considered the pay-scales for the other categories of Teachers working under the Central Govt. As per its recommendation, the other categories of Teachers, who were in the pre-revised scales of pay

M.

W

of Rs. 550-750/- as well as Rs. 700-900/-, would be in the revised scale of Rs. 2000-3200/-. According to the applicant, at par with the recommendation of the revised scale of pay for the High School Teachers (SG), their revised scale of pay should have been Rs. 1640-2900/-. The applicant states further that the recommendations of the Chattopadhyay Commission had been accepted by the Central Govt. and were made available to the Teachers in Ordnance Factory Schools with effect from 1.1.86. So, it is her claim that on the basis of the recommendations of the Chattopadhyay Commission her pay should be fixed in the scale of Rs. 2000-3500/-

3. The admission of the application has been seriously

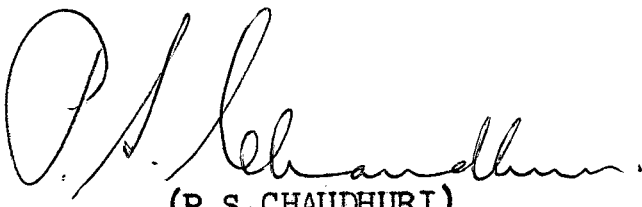
opposed by the side of the respondents.

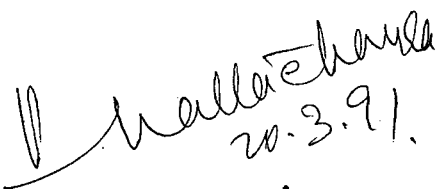
4. On a consideration of the facts and circumstances of the case, we have no hesitation to hold at the very outset that this application is wholly misconceived. In her application, the applicant has challenged the action of the Fourth Central Pay Commission as it had not recommended duly the revised pay scales of the other ~~other~~ teachers than the High School teachers (SG). It is not understandable to us as to how filing an application in 1990, the applicant can challenge the recommendations of the Fourth Pay Commission which took effect from 1.1.86. On the date of hearing admission of the application, the applicant had filed an application for condonation of delay. The grounds taken by her explaining the delay in filing the original application are far from satisfactory. In her application, she has also prayed for her placement in the scale of Rs. 2000-3500/- on the basis of the recommendation of the Chattopadhyay Commission. But it is curious to note that in her first representation in that regard which was submitted on 13.1.89 (vide Annexure- C), the applicant had not mentioned anything about the recommendation of the Chattopadhyay Commission. She went on making representations. From the circumstances stated above, we have every reason to hold that for redressal of her present grievance, the applicant had not made any

OK

(2)

proper representation to the concerned authority. Besides, she has failed to establish prima facie as to how the scale of pay of Rs. 2000-3500/- can be made available to her. Considering all, we hold that as the applicant has no prima facie case, this application is not at all fit for adjudication by this Tribunal. Accordingly, we dismiss this application summarily at the stage of admission itself along with the Misc. Petition praying for condonation of delay.


(P.S. CHAUDHURI)
MEMBER (A)
20.3.91


(A.P. BHATTACHARYA)
MEMBER (J)
20.3.91

Order dated 20.3.91
to Applicant Respondent (s)
on 9.5.91

By 9/5/91

Review Petition
No. 56/91 for orders
4-10-91

Notice is issued
to both the
party on 12.2.92
18/2/92

PT 31/6/92

Keep this case before JS 9
4/2/92 for orders on AP-56/91.

JS

49

Dated: 4.2.92

In view of the orders
received from the principal Bench
for constitution of a Bench consisting
of shri M. Y. Prasad and another,
keep this case for hearing at
Nagpur on 13.3.92.
Issue notices to both the
parties.

(M. Y. Prasad)
M(A)

(U. C. Srivastava)
V/C

Date: 13.3.92 Camp at Nagpur

R.P. No. 56/91

Mr. K. D. Deshpande for
the Petitioner and Mr. Ramesh Danda
for the respondents.

This is a review petition
filed by the applicant for review
of our judgment dtd. 20.3.91.

The original application filed
by the applicant was summarily
rejected by the Tribunal
as the Tribunal was of the
view that the applicant has

(7)

failed to establish
prima-facie as to
how the scale of pay of
Rs. 2000-3500/- can be made
available to her.

The applicant has
filed the Review Petition on
the ground that the applicant
had mentioned everything in her
representation as well as in the
O.A and the Chattopadhyaya

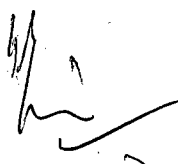
Commission, a reference to which
finds a place in the judgment,
had not given its report when
the application was filed.


That is why no mention of the
same was made. Thus
according to the applicant
the order is ~~an~~ erroneous.

Unless there is an
error apparent on the face
of the ~~the~~ judgment the
same cannot be recalled.

8


Accordingly this Revision
petition is rejected.


(M. Y. Priolkar)
M. A. J.


(U. C. Srinivasan)
V. C.

13/3/92

Order/Judgement despatched
to Applicant/Respondent (s)
on 18-5-92


19/5/92