

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

RP NO. 206/92 IN OA NO.732/92

(15)

Union of India
Secretary of Law & Judiciary
Aayakar Bhavan
New Marine Lines
Bombay 20 & 3 ors.

Petitioners
(Original respondents)

v/s.

1. India Security Press and
Currency Press Staff Union
(representing 'C' & 'D' group
employees) through its
General Secretary,
India Security Press
Near Green Gate
Nashik road; Nashik

2. Shri V H Thakur
Head Clerk
Central Stamp Depot.
Nashik Road

Respondents
(Original applicants)

Coram : Hon. Shri Justice S K Dhaona, Vice Chairman
Hon. Shri M Y Priolkar, Member(A)

TRIBUNALS ORDER:
(Per: S K Dhaon, Vice Chairman)

DATED: 15 .1.1993

This is an application on behalf of Union of India and others (respondents in O A No. 732/92) praying that we may review our order dated 12.11.92 finally disposing of the aforesaid OA.

In the OA the order dated 26.6.92 purported to have been passed by the Central Government, refusing to refer an industrial dispute for adjudication, had been challenged.

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In paragraph 5 of our order we extracted a passage from the impugned order. The relevant portion of ~~the same~~ ran as follows:

"It has been reported that the decision to increase the working hours of India Security Press and the Currency Note Press Nasik is the result of implementation of policy decision taken by the Government to increase the working hours consequent upon the acceptance of the recommendations of the 4th Pay Commission. It has already been reported that the petitions moved by the employees/union of various units under the Department of Economic Affairs in this regard has been dismissed by the Administrative Tribunals/State High Courts".

Paragraph 6 of our order in the said O A No. 732/92 runs as under:

"6. In the reply filed on behalf of the respondents no reference has been made of any decision given by any Administrative Tribunal or any State High Court wherein the decision taken to increase the working hours from $37\frac{1}{2}$ per week to 44 hours per week has been upheld. However, to the replies filed a true copy of the order passed by the Calcutta High Court in C.O. No. 9523(W) of 1988 (Calcutta Mint Employees' Union & Ors. V. India Government Mint & Ors.) decided on 7.1.91 has been annexed. A perusal of the same indicates that the Calcutta High Court dismissed the Writ Petition on the sole ground that the same was not maintainable in view of Section 14 of the Central Administrative Tribunal Act, 1985. We have already referred to the applications filed by the applicants before this Tribunal. Those applications, as already stated, were filed at the stage when the conciliation proceedings were going on and the applicants had apprehended the failure of the same and the consequent implementation of the decision to increase the working hours. We may indicate that no decision on merits of the said applications has been given."

In Paragraphs 10 and 11 of the review application the averments are these. The bench of this Tribunal at

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Hyderabad in OA Nos. 27 of 1988, 39/1988, 71/1988 and 74/1988 had held that increase in the working hours from $37\frac{1}{2}$ to 44 hours per week is in the light of the recommendations of the 4th Central Pay Commission and therefore the decision was not hit by Articles 14 and 16 of the Constitution.

Similar orders were passed by a Bench of this Tribunal at Jabalpur on 22.8.1988 in OA Nos. 94/1988 and 113/1988. Paragraph 12 of the review application has relevance and the contents of the said paragraph are:

"Petitioners state that the said decisions were deemed to be brought to the notice of this Hon. Tribunal as is clear from the observations as contained in para six of the Judgement of the Tribunal in respect of which present review application is being filed, and therefore there is a clear case for seeking review of the said order, as had these judgements been brought to the notices, the order would have been otherwise, and therefore it is verymuch necessary in the interest of the justice and in the light of the said decisions on the points which were mentioned by the Tribunal in the judgement under para six that the present review application should be considered and the entire case be reviewed as per the decision of these two Benches of the Tribunals."

It is admitted in paragraph 12 as aforesaid that the aforesaid decisions of the Hyderabad and the Jabalpur Benches of this Tribunal were not brought to our notice at any stage prior to the making/filing of the review application. The contention, in substance, is that in view of the aforesaid decisions of the Hyderabad and Jabalpur Benches, we should review our order. It is not the case of the applicants in the review application that the Union of India and ors. (applicants in this application) were not aware of the said decisions when the matter was argued before us. It is also not their case that they could not lay their hands on the

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said decisions in spite of exercise of due diligence. It is not their case nor can it be that the said decisions came into existence after our order dated 12.11.92.

We have considered the contents of the review application carefully and we are satisfied that no case has been made out within the parameters of Order 47 Rule 1 of Civil Procedure Code so as to entitle us to review our order.

We are disposing of this application by adopting the process of circulation which is permissible under the Rules.

The review application is rejected.


(M Y Priolkar)
Member(A)


(S K Dhaona)
Vice Chairman