BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

R.P.NO.34/97 in OA.NO.604/94, R.P.NO.35/97 in OA.NO.60/93,
R.P.NO.32/97 in OA.NO.630/94.

Tuesday this the 15th day of July 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)
Hon'ble Shri P.P.Srivastava, Member (A)

Tribunal's Order by Circulation

The applicants are seeking review of the judgement dated 16.8.1996. The short point for consideration in the OA. was that the applicants are claiming that by virtue of the upgradation of Trades in the scale of Rs.260-400 to all industrial workers in all the trades from (1) to (18) with effect from 16.10.1981 instead of 15.10.1984 or in the alternatively award the benefit to the employees whose names are set-out in the Annexure No.I with effect from 16.10.1981 instead of 15.10.1984 and pay arrears of pay on their fitment in the said grade of 260-400 with effect from 16.10.1981 till date. This was necessitated pursuant to the decision of the Supreme Court in Association of Examiners, Muradnagar Ordnance Factory vs. Union of India & Ors. 1993 SCC (L&S) 587, dated 31.7.1991. Keeping in view of the ratio laid down in that judgement and on the basis of Anomalies Committee's Report, it is submitted that the semi-skilled employees who were in position on 16.10.1981 in the grade of Rs.210-290 should be up-graded to the skilled category of Rs.260-400 with effect from that date. So far as 'fresh induction' to the skilled category was concerned the Committee formulated certain propositions which are to be found

.. 2/-

in clauses 'a' to 'c' of clause (iv) of the recommendations of the Anomalies Committee in Chapter X of the report. It is, therefore, obvious that those employees who belong to the semi-skilled category and were in position on 16.10.1981 in the grade of Rs.210-290 were to be upgraded to the skilled category carrying a scale commensurate of Rs.260-400 with the point-score given by the Committee. Since the applicants did not come within the parameter of the Supreme Court decision and all the applicants were appointed subsequent to 16.10.1981 and before 15.10.1984, they could not be given the benefit. The only contention raised by the applicants that they should be given the same benefits which are denied by the Committee and by the Tribunal's order. Accordingly, the order issued by the respondents dated 19.3.1993 as well as 17.5.1993 were upheld and the same were passed in accordance with the decision of the Hon'ble Supreme Court as well as the recommendation of the Anomalies Committee.

2. Though the judgement was delivered on 16.8.1996, the Review Petition is filed by the applicant on 6.3.1997. As per CAT Rules, review petition can be filed within 30 days of receipt of order of the OA. In this case, the review petition is filed after six months' delay for which applicant has filed M.P. for condonation of delay. The explanation given by the applicants is not satisfactory and the grounds in the R.P. and the OA. are the same. The scope of the review is very limited and it is not open to the applicant to re-argue the matter on the same grounds. Option is open to the applicant to file an appeal and not the review. The Review Petition is dismissed.

Order/~~Judgement~~ despatched to Applica. Respondent (s) on 24.7.97

(P.P.SRIVASTAVA)
MEMBER (A)

(B.S.HEGDE)
MEMBER (J)