

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Review Petition No.72/2001
in OA No.1179/1997

25th June, 2001

CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

S.V.Sarode and Ors

... Applicants

V/s.

Union of India & Ors.

... Respondents

This review petition has been filed in OA-1179/97 which was dismissed by order dated 21/9/2001. The review petition of the applicant in the aforesaid OA.

The review of the judgement and order is sought on the ground that the OA was heard and disposed of in the absence of the applicants and their advocate. This was not justified because the OA had been brought out of the sine die list with very short notice and placed on the Final Hearing Board without reasonable notice to the applicants. Secondly, an application for adjournment was made for the matter to be adjourned to the next working day but the same was turned down and since the matter was at serial no.10 in the cause list, it was expected that the OA would come up for hearing on that day. However, the OA has been disposed of in the absence of applicants on merits.

The OA has been disposed of only on General principles of law. The Supreme Court as well as various benches of the Tribunal and High Court have been passing orders to grant higher pay scales in respect of employees as given to similar employees in other departments and therefore it is not correct to say that grant of pay scales on par with comparable categories is a specialised job to be done by the expert body like the Pay Commission. The review petitioners have cited a judgement and

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order dated 10/1/2001 by Hon'ble Shri S.R.Adige, Vice Chairman(A), Principal Bench in OA-538/93 wherein relief was granted of higher payscale in comparison with similar categories in other department.

The review petitioners have further pointed out that it is not correct to say that no material was produced to show the duties and responsibilities of applicants is comparable to other categories drawing higher pay-scales. The Tribunal did not refer to the averments in the OA or to the annexures of the OA, which would go to show that the said observation of the Tribunal is not justified.

We have heard Shri S.Ramamurthy for Shri R.Ramesh for the applicants in this matter. We have considered the grounds taken for the review. In our considered view, the matter was duly decided in the absence of the applicants in terms of Rule-15 of the CAT Procedure Rules 1987. It was also decided on merits. Although the applicants claim that averments had been made in the OA and the Annexures to the OA about duties and responsibilities of the applicants comparable with some other categories, the learned counsel for the applicants was unable to show us any material even at the time of the hearing of the Review Petition to substantiate the averments made. Further even if a similar matter has been decided by another Bench, it cannot a ground for review.

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Even the Supreme Court has observed in the case of Lily Thomas etc etc. appellant v/s. Union of India, respondents (AIR 2000 SC 1650) that the power of review can be exercised for correction of a mistake and not to substitute a view 'The review cannot be treated as an appeal in disguise. The mere possibility of two views on a subject is not a ground for review.

We therefore hold that there is no error apparent on the face of the record which calls for a review. Accordingly, the review petition is rejected.

Shanta J

(SMT. SHANTA SHAstry)
MEMBER(A)

S.L.Jain

(S.L.JAIN)
MEMBER(J)

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