

Original 856/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NOS:856/96 & 352/97.

DATED THIS 6TH DAY OF APRIL, 1999..

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member(A).

ORIGINAL APPLICATION NO:856/96.

1. J.R.Gaikwad.
 2. R.L.Fulpagare.
 3. Smt.V.Y.Sathe.
 4. R.S.Gholap
 5. Smt.M.T.Paithankar.
 6. Smt.K.U.Mahadik.
 7. R.P.Tannu.
 8. K.D.Chavan.
 9. H.S.Borate.
 10. L.G.Patil.
 11. V.S.Garud.
 12. A.P.Kudre.
 13. D.D.Borade.
 14. A.B.Deodhar.
 15. B.K.Chavan.
 16. M.B.Bhor.
 17. D.K.Chougule.
 18. V.A.Jadhav.
 19. D.A.Ranpise.
 20. S.V.Bhandre.
 21. R.S.Kadam.
 22. U.S.Ghayal
 23. Y.N.Nikalje.
 24. D.S.Jadhav.
 25. M.V.Pawar.
 26. S.A.Shaikh
 27. Smt.N.V.Jathar.
 28. U.A.Variath.
 29. R.K.Prasad.
 30. N.G.Ovhal.
 31. Smt.S.M.Mirashi
 32. Smt.S.S.Mangade.
 33. Smt.B.Saroja.
 34. S.G.Nerlekar.
- Original*

35. Y.M.Sathe.
36. A.V.Kulkarni.
37. S.A.Rokade.
38. G.L.Pardeshi.
39. G.T.Gaikwad.
40. G.V.Dhende.

... Applicants in
OA-856/96.

ORIGINAL APPLICATION NO:352/97.

1. R.M.Papani
2. R.P.Inamdar
3. P.P.Hande
4. D.S.Kulkarni
5. S.C.Khamkar
6. Smt.M.A.Nisal
7. Smt.N.S.Chadha
8. A.F.Sabnis
9. V.P.Kavi
10. S.S.Sangade
11. S.I.Inamdar
12. S.D.Dudhane
13. S.S.Fand. (
14. Smt.P.P.Utgikar
15. S.R.Malwadkar
16. S.A.Mate

... Applicants in
OA-352/97.

(All the above Applicants are presently working as Laboratory Assistant Grade-II in the Central Water & Power Research Station, Khadakwasla, Pune.)

By Advocate Shri M.S.Ramamurthy

v/s.

1. Union of India,
through the Secretary
Ministry of Water Resources,
Shram Shakti Bhavan,
Rafi Marg,
New Delhi-110 001.
2. The Director,
Central Water & Power Research
Station,
P.O.Khadakvasla(RS),
Pune-411 024.

... Respondents in
both the OAs.

By Advocate Shri V.G.Rege.

I O R D E R I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

The case is called out for final hearing on the basis of opinion furnished by Full Bench.

Learned counsel for applicants submits that he intends to file review petitions in both these cases seeking review of judgement of Full Bench. In our view that question of intended filing of review petitions by applicants counsel will not come in the way of existing opinion of the Full Bench.

1. In case the applicants file review petition and succeed in getting the judgement in their favour, then the Division Bench decision will have to be modified depending upon the opinion of the Full Bench on review petition.

2. In both these cases the applicants were erstwhile Senior Observers claiming parity of payscale as Computer 'A' given by this Tribunal on the basis of earlier judgements of this Tribunal. Earlier Division Bench of this Tribunal, after hearing arguments, referred to Full Bench for a decision on the question whether on the basis of Saini's judgement and other judgements in the cases of Senior Computers, whether the applicants are entitled to a parity of payscale given to Senior Computers. The Full Bench after hearing both sides has given its judgement dated 23/3/99 holding that the applicants are not entitled to pay parity like Senior Computers on the basis of earlier judgements of Division Benches of this Tribunal. In particular the Full Bench over ruled the earlier judgement of this Division Bench in OA-488/90 and connected cases.

3. The Full Bench has held that the applicants in both these cases are not entitled to pay parity with the pay given to Senior Computers. Therefore, both the OAs are liable to be dismissed.

4. In the result, both the OAs are dismissed. No order as to costs.

MEMBER(A) /
abp.

VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO.21/99
IN
ORIGINAL APPLICATION NO.352/97.

1. R.M.Papani
2. R.P.Inamdar
3. P.P.Hande
4. D.S.Kulkarni
5. S.C.Khamkar
6. Smt.M.A.Nisal
7. Smt.N.S.Chadha
8. A.F.Sabnis
9. V.P.Kavi
10. S.S.Sangade
11. S.I.Inamdar
12. S.D.Dudhane
13. S.S.Fand
14. Smt.P.P.Utgikar
15. S.R.Malvadkar
16. S.A.Mate

...Review Petitioners

(All the above Review
Petitioners are presently
working as Laboratory
Assistant Gr.II in the
C.W.P.R.S.,Kadakvasla, Pune.

(Original
Applicants)

Vs.

1. Union of India,
through the Secretary,
Ministry of Water Resources,
Shram Shakti Bhavan,
Rafi Marg,
New Delhi - 110 001.
2. The Director,
C.W.P.R.S.,
Kadakvasla (R.S.),
Pune - 411 024.

...Respondents.

Original Respondents.

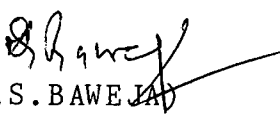
ORDER ON REVIEW PETITION BY CIRCULATION.

Dt. **24.06.99.**

This Review Petition is filed seeking a review of the opinion of the Full Bench dt. 25.3.1999 in O.A. No.352/97. We have perused the contents of the Review Petition and the opinion of the Full Bench

2. In our view, no grounds are made out in the Review Petition to review the Full Bench opinion given in the order dt. 2.3.1999. Most of the grounds taken in the Review Petition are in the nature of an appeal against the opinion of the Full Bench. It is not a case of review within the meaning of Order 47 Rule 1 C.P.C. There is no apparent error on record. There is no question of discovery of any new evidence. There is no other sufficient grounds within the meaning of Order 47 Rule 1 C.P.C. If the parties are aggrieved by the Full Bench opinion, the remedy is elsewhere, but certainly not by filing a Review Petition before the same bench. We do not find any merit in the Review Petition.

3. In the result, the Review Petition is hereby rejected.


(D.S. BAWEJA)
MEMBER(A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN


(K.M. AGARWAL)
CHAIRMAN

B.