

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**RP.64/2003 With MP.819/2003
in OA.822/98**

Date of Decision : 06.11.2003

Union of India & Ors. : Applicant(s)

Mr. R.K. Shetty : Advocate for the applicant (s)

Versus

Shri Amar Singh : Respondent (s)

: Advocate for the respondent (s)

CORAM:

Hon'ble Mr.A.S.Sanghvi : Member (J)

Hon'ble Mr.Shankar Prasad : Member (A)

ORDER

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not
3. Whether their lordships wish to see the fair copy of the judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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Union of India & Ors. : Applicants
(By Advocate: Mr.R.K.Shetty) (Ori.Respondents)

Versus

Shri Amar Singh : Respondent
(Ori.Applicant)

(Decision by Circulation)

ORDER

RP/64/2003 With MP. 649/2003

in OA.822/98

Date: 06-11-2003

Hon'ble Mr.A.S.Sanghvi : Member (J)

Considering the issue raised in this Review Application as well as considering the ground for condoning the delay in filing this Review application, the delay is condoned.

2. This application for the review/recall of the order dated 25.4.2003 passed in CP No.118/2002 in OA.822/98 is moved by the original opponent of the CP. Though the application is described as the review application and seeks to review or recall the order dated 25.4.2003 we are unable to understand as to how such an application is maintainable and how it can

be said that the order deserves to be reviewed as there is no order passed by the Tribunal ^{on} dated 25.4.2003. When our attention was drawn to the letter dated 11.3.2003 bearing the heading Implementation of Revised UGC Pay Scale (Rs.5500-9000) and signed by Shri A.N.Thakur, Lt. Col. at the time of hearing of the CP.118/2002, we had made certain observations in the order sheet pertaining to the contents of that letter but had not passed any order or given any direction to the opponents as the learned counsel for the respondents had prayed for time to obtain necessary instructions as to why such a letter was written or such an order was passed. We had thereupon refrained from passing any order or giving any direction to the opponents in the CP and had only adjourned the CP to enable the learned counsel of opponent to obtain necessary instructions about the circumstances in which such a letter had come to be written. It is no doubt true that we had made some observations pertaining to the replacement scale to be given to the applicant but these observations had to be made in view of the cryptic and laconic letter written by Shri A.N.Thakur, Lt. Col. In the order we had pointed out that the Lt.Col. Shri A.N.Thakur had rejected the demand of the applicant to give him the pay scale of Rs.5500-9000 on the ground that there was no direction given by the CAT in OA.822/98 to give him subsequent benefit of Rs.5500-9000 .

It was not explained by the author of that letter why the pay scale of Rs.5500-9000 was not admissible so far as the applicant was concerned. On the contrary the wording of the letter had created an impression that the scale of Rs.5500-9000 was being denied to the applicant merely because there was no direction given by the CAT in the judgment dated 1st August 2002 in OA.822/98. Since the scale of Rs.5500-9000 is a replacement scale for the old pay scale of Rs.1740-3000 we had observed that to say that there was no subsequent direction to give pay scale of Rs.5500-9000, which is the replacement scale of Rs.1740-3000, in the order passed by the Tribunal is to twist the order. We had however not given any direction to the opponent to place the applicant in the pay scale of Rs.5500-9000 and on the request of the learned counsel for the respondents we had adjourned the CP to facilitate the learned counsel for the respondents in obtaining necessary instructions in this regard. It is therefore, rather surprising that such an application is moved for claiming that the order deserves to be reviewed or recalled. We may note that there is no order which requires to be reviewed or recalled as no final directions were given on dated 25.4.2003. It is open to the learned counsel for the respondents to clarify the position under what circumstances such a letter was written by Shri A.N.Thakur Lt.Col. and also to point out whether this would amount to contempt or not. The observations made in

the order does not give any cause for filing review application. We are therefore of the opinion that review is not maintainable. It is open to the learned counsel for the opponent of the CP to point out the circumstances in which the letter was written and explain the contents of the letter to the Tribunal.

3. The Review is therefore, rejected with no order as to costs.

Shankar Prasad
(Shankar Prasad)
Member (A)

A. S. Sanghvi
(A. S. Sanghvi)
Member (J)

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