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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

R.P.No.118/93 in  
O.A.No.1182/91.

Date of Order : 25-2-94

1. A.Subrahmanyam  
2. V.Thirupathi  
3. K.Prabhakar

.. Applicants

Vs.

1. The Chief Executive,  
Heavy Water Group,  
Dept. of Atomic Energy,  
O.Y.C. Building,  
Bombay.
2. The General Manager,  
Heavy Water Project,  
Manugur, Khammam Dist.
3. The Administrative Officer,  
Heavy Water Project,  
Manugur, Khammam Dist.
4. The Union of India,  
Rep. by its Secretary,  
Dept. of Atomic Energy,  
New Delhi.

.. Respondents

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Counsel for the Applicants :: Shri S.Ramakrishna Rao

Counsel for the Respondents :: Shri N.V.Raghava Reddy

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C O R A M

Hon'ble Shri Justice V.Neeladri Rao : Vice-Chairman

Hon'ble Shri A.B.Gorthi : Member (A)

O r d e r

As per Hon'ble Shri A.B.Gorthi : Member (A) )

The Review Petitioners were Applicants No.6, 7 and 5 in O.A.No.1182/91. Their prayer in the O.A. was for a direction to the Respondents to appoint them to the posts of Scientific Assistant 'B' (S.A. 'B' for short) on completion of the training. The O.A. so far as it pertained to Applicants No.5 to 7 was dismissed. Hence the Review Petition.

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2. Facts leading to the Review Petition may be stated briefly. The Applicants were graduates/post-graduates and were selected for appointment as S.A. 'B'/S.A. 'A'. As per the terms of the advertisement, the candidates were to be absorbed either as S.A. 'B' or S.A. 'A' on the basis of their performance during the training period. Notwithstanding the fact that the degree-holders were absorbed as S.A. 'B' and the graduates as S.A. 'A' without taking into consideration their performance during the training period.

3. Initially, O.A.No.480/88 was filed by the Heavy Water Project Employees Association challenging the discriminatory treatment to the degree-holders. Disposing of the said O.A. this bench of the Tribunal observed as under:-

"The placement of all B.Sc graduates in the grade SA 'A' without taking into consideration their performance during the training period is contrary to what is stated in the advertisement. In these circumstances, we direct the respondents to consider the placement of the B.Sc graduates recruited in pursuance to the advertisement No.3 issued in March, 1985 in the SA 'A' and SA 'B' grade on the basis of the performance during the training period."

4. In the process of complying with the aforesaid directions, the Respondents fixed 60% as cut off marks and absorbed all the degree-holders who got 60% or more in the grade of S.A. 'B'. Aggrieved by the same, O.A. No.1182/91 was filed by 7 Applicants (including the 3 Review Petitioners). In the judgement in O.A.No.1182/91 it was held that as the question of absorbing candidates in the grade of S.A. 'A' or S.A. 'B' would have to be determined on the basis of the performance of the candidates during the training period, it was not proper for the Respondents to absorb only the diploma-holders as S.A. 'B' and to apply the cut off mark of 60% for such absorption in respect of

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degree-holders. Consequently, it was held that the least marks obtained by the diploma-holders in each batch should be the bench mark for the grant of S.A. 'B' to graduates also. In the batch which was selected in pursuance of the Notification No.9/85 the least marks obtained by the diploma-holder are 57.14. As the Review Petitioners (Applicants 5 to 7 in the O.A.) secured 56, 54.8 and 54.6 marks respectively, it was held that their claim for absorption as S.A. 'B' was not tenable.

4. The various points raised and the issues urged in the Review Petition are those which were agitated during the hearing of the O.A. itself. It is once again asserted that the Respondents could not have discriminated between the diploma-holders and the graduates. The alleged discrimination was eliminated by the judgements of the Tribunal in O.As No.480/88 and 1182/91. If the Review Petitioners could not be absorbed as S.A. 'B', it was not on account of the fact that they were graduates but due to their poor performance during the training period compared to others who were absorbed as S.A. 'B'.

5. Another aspect raised in the Review Petition is that specifying 60% as the cut off marks in respect of graduates is untenable. This aspect also has been dealt with in <sup>HC</sup> ~~our~~ judgement and it was consequently held that all those graduates who secured equal or more marks than the diploma-holder who secured the least marks should be absorbed as S.A. 'B'.

6. An attempt was made to comment on the manner in which it was observed in the judgement in the O.A. (No.1182/91) that Shri S.M.K.Sahi, a science graduate with chemical technology was treated as a diploma-holder. If it wa

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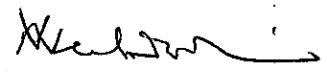
so done, the least marks obtained by the diploma-holder in that batch would be higher than 57.14 marks. Thus, it would be evident that treating Shri S.M.K.Sahi as a diploma-holder was only to the advantage of the Review Petitioners. Their raising this issue in the Review Petition thus seems to be purposeless.

7. The Review Petition seems to have been prompted by the observations made in the judgement that it would be "open to the Applicants 5 to 7 to come up with a Review Petition if they come across any fact, which is inconsistent with the facts referred to in regard to them in this order". In the Review Petition nothing has been brought out as would show any inconsistency in the facts recorded in our judgement in O.A.No.1182/91. Besides, no such error apparent in the face of record or any other material irregularity has been brought out as would justify the review sought for.

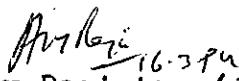
8. In the result, the Review Petition is dismissed. There shall be no order as to costs.

  
( A.B.Gorthi )

Member (A).

  
( V.Neeladri Rao )  
Vice-Chairman.

Dated: 25 Feb., 1994.

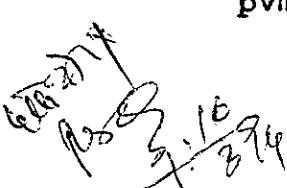
  
16-3-94  
Deputy Registrar (J) CC

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To

1. The Chief Executive, Heavy Water Group,  
Dept.of Atomic Energy, O.Y.C.Building, Bombay.
2. The General Manager, Heavy Water Project, Manugur,  
Khammam Dist.
3. The Administrative Officer, Heavy Water Project,  
Manugur, Khammam Dist.
4. The Secretary, Union of India, Dept.of Atomic Energy, New Delhi.
5. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
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