

(52)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW APPLICATION NO.4-of-1996
in
ORIGINAL APPLICATION NO.81-of 1993

DATE OF ORDER:-8th-November,-1996

BETWEEN:

1. K.S.Joseph,
2. R.P.Hanumantharao,
3. B.Pavankumar,
4. Kurshad Khan,
5. V.Santhoshkumar,
6. KV Abraham,
7. K.Shravankumar,
8. M.kSham Rao,
9. Vasudev,
10. J.Anjaiah,
11. B.Surender,
12. T.Umamaheswararao,
13. S.Pavankumar,
14. N.Nageswararao,
15. B.Balogi,
16. Chand Pasha,
17. KV Ranu,
18. S.Satyanarayana,
19. N.Keshavulu,
20. D.Parvathaiah,
21. D.Raghuramulu.

.. Applicants

and

1. Union of India represented by the
Secretary, Ministry of Defence,
New Delhi,
 2. The Scientific Adviser to the Ministry of
Defence and Director General,
Defence Research and Development Organisation,
DHQ PO, New Delhi 110011,
 3. The Director,
Defence Electronics Research Laboratory (DRDL),
Hyderabad-5.
- .. Respondents

COUNSEL FOR THE APPLICANTS: SHRI TVVS MURTHY

COUNSEL FOR THE RESPONDENTS: SRI V.BHIMANNA, ADL.CGSC

B

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri TVVS Murthy, lerned counsel for the applicants and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant in the OA has filed the Review Application. O.A.Nos.81/93 and 1164/94 were filed in this Bench of the Tribunal praying for direction to the respondents for sanction of the then pay scale of Rs.260-400/950-1500 (RS) applicable to the skilled grade from the date they respectively completed two years of service in the grade with all consequential service and monetary benefits. These two OAs were disposed of by the order dated 6.11.95 with the following direction:-

"As the judgments with reference to other trades were passed by the various Benches on or after 23.6.89 (OA 363/88 on the file of this Bench was disposed of on 23.6.89), it is just and proper to order that the promotion to the skilled grade from among those who were inducted in the semi-skilled either by direct recruitment or otherwise has to be preponed with monetary benefit, for those who are already promoted from the date the

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vacancy existed for each of them in the relevant trade. As it is a case where the benefit was being extended to other trades only in view of the judgements of the Central Administrative Tribunal from 1989 onwards, we feel that it is just and proper to give the above direction though normally employee will get the benefit of pay scale of promotion post from the date on which he joins the promotion post.

10. If the vacancies still exist in the skilled category in various trades and if it is necessary to fill up all or some of them, then expeditious steps have to be taken for filling up the same in accordance with rules."

3. While disposing of those two OAs, O.M. dated 15.10.84 which lays down the rules and regulations in regard to the promotion to the skilled grade and also other relevant factors, was referred to. The direction given in OA 363/88 on the file of this Bench and the judgements of other Benches were also taken into consideration while arriving at that decision.

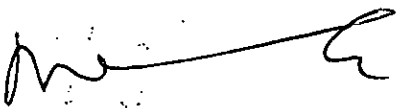
4. The present Review Application is filed stating that the Tribunal has erred in construing that the

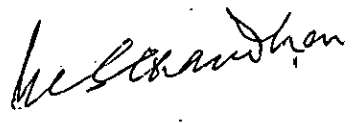
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applicants who are holding ITI certificates are required to be promoted from the semi-skilled grade (Tradesman 'E') to the skilled grade (Tradesman 'C') in order to be entitled to the upgraded scale of Rs.260-400 though they are not automatically entitled to the upgraded scale after two years of service stating that there is nothing in the OM dated 15.10.84 to indicate that it is a time bound promotion.

5. The very same point was considered in depth in the judgement dated 6.11.95 as can be seen from paras 5, 6, 7 and 8. When the whole issue was considered with its full ramification and the decisions were arrived at, the same point cannot be reagitated in a Review Application. If it is necessary to review the decision, it is for the applicants to approach the appellate judicial forum. In that view, the R.A. does not lie. Taking of a different view by the Bench than that of the applicants is not a reason for filing the Review Application.

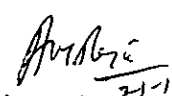
6. In view of what is stated above, we find that the R.A. is filed under a misconceived notion and does not merit consideration. Hence the R.A. is dismissed having no merit. No order as to costs.


(R.RANGARAJAN)
MEMBER (ADMN.)


(M.G.CHAUDHARI)
VICE CHAIRMAN

DATED: -8th-November, -1996
Dictated in open court.

vsn


Deputy Registrar (D) CC

RA 4/96

RA 5/96

To

1. The Secretary, Union of India,
Ministry of Defence, New Delhi.
2. The Scientific Adviser to the Ministry of
Defence and Director General,
Defence Research and Development Organisation,
Hyderabad-5.
3. The Director, Defence Electronics
Research Laboratory (DERL), Hyderabad-5.
4. One copy to Mr. T. V. V. S. Murthy, Advocate, CAI. Hyd.
5. One copy to Mr. V. Shimanna, Addl. G. S. C. CAI. Hyd.
6. One copy to Library, CAI. Hyd.
7. One spare copy

pvm.

9/11/96

I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

R. Ranga Ratan

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 8 - 11 - 1996

~~ORDER~~ / JUDGMENT

~~M.A./R.A./C.A.~~ No.

u/96

in

O.A.No.

81/93-

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

भेद्यन / DESPATCH

9 DEC 1996

हैदराबाद न्यायपीठ
HYDERABAD BENCH