

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

MISCELLANEOUS APPLICATION NO.911 of 1996  
in  
REVIEW APPLICATION (SR) NO.3145 of 1996  
in  
ORIGINAL APPLICATION NO.160 of 1994

DATE OF ORDER: 23rd October, 1996

BETWEEN:

The Chief Personnel Officer,  
South Central Railway,  
Secunderabad.

.. Applicant

and

1. G.Sanyasi Rao and  
2. K. Venkateswarlu

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI V.RAJESWARARAO, Addl.CGSC

COUNSEL FOR THE RESPONDENTS: SHRI P.RATHAIAH

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

ORDER

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

Heard Shri V.Rajeswara Rao, learned standing counsel for the applicant and Shri BSA Satyanarayana for Shri P.Rathaiah, learned counsel for the respondents.

2. This M.A. is filed for condoning the delay of 147 days in filing the R.A. The R.A. is filed against the direction given in the OA by allowing stepping up of pay of the applicant in the OA on par with his junior, R-2 in the



OA, in the cadre of Chief Law Assistant from the date when the junior, R-2 in the OA, was drawing more pay than the applicant in the OA in the said cadre.

3. The main contention of the applicant in this RASR (1st Respondent in the OA) is that the applicant and his junior R-2 in the OA belong to different cadres viz, Senior Stenographers while they were appointed as Law Assistants. Hence comparing their pay even at the stage of Chief Law Assistant is not in order and hence the stepping up of pay granted to the applicant in the OA is an error. This point has been considered fully in the judgment in Para 9. A view has been taken in this connection already in the judgement. Hence this contention cannot be agitated in this R.A.

4. The second contention is that the documents enclosed as Annexure-A1 and A2 at pages 10 to 16 and A3 at page 17 and also A4 at page 18 are not brought to the notice of the Court at the time of disposal of the OA. No new point can be agitated in an R.A. which do not form a subject matter of the contention in the reply filed by the respondents. In any case, the documents now enclosed in my opinion do not prove the contentions of the applicant for reconsideration of the judgement. Hence this contention also fails. The main point is that R-2 is senior as Stenographer whereas the applicant is junior in the Railway service. However, it is admitted that in the cadre of Law Assistant, the applicant in the OA is senior and R-2 in the



OA is junior. Hence the question of comparison of the relative seniority arises only when he joined as Law Assistant and not in the previous cadre before joining as Law Assistant.

5. The third contention of the applicant in the R.A. is that relying on the reported judgement of the Ernakulam Bench of C.A.T. reported in 1994(26) ATC 641 (Krishna Pillai and others v. Union of India and others) is not in order as that case can be distinguished from the present one. Nowhere in the judgement it has been stated that stepping up of pay to the applicant in the OA was given following the judgement of the Ernakulam Bench in the reported case supra. Hence it is obvious that this Bench has not relied on the judgement of the Ernakulam Bench to come to the conclusion for stepping of the pay of the applicant in the OA. Hence this contention also has no leg to stand.

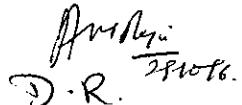
6. In view of the above, I find no merit in the R.A.

7. The R.A. is devoid of merits and is liable only to be dismissed. <sup>Hence</sup> I see no reason for allowing the M.A. for condonation of the delay. The M.A. is only to be dismissed.

8. In the result, the M.A. for condoning the delay is dismissed and the RASR stands rejected. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED: 23rd October, 1996  
Open court dictation.

  
D.R. 29/10/96