

(115)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW APPLICATION NO.79 of 1995

in

O.A.NO.70 of 1995

Date of judgement: 29.3.96

K.C.TIMOTHY

Applicant

and

1. Union of India through the Secretary,
Defence Production and supplies,
Ministry of Defence, South Block,
New Delhi-11.

2. The Director Technical Development &
Production (Air) Ministry of
Defence, H.Block,
New Delhi-11.

3. The Assistant Director (Admn.),
Directorate of Technical Development &
Production, Ministry of Defence,
B-Block,
New Delhi-11.

4. The Controller General of Defence Accounts,
Ministry of Defence, R.K.Puram,
New Delhi.

Respondents

COUNSEL FOR THE APPLICANT: SHRI K.C.TIMOTHY,
Party-in-person.

COUNSEL FOR THE RESPONDENTS: SHRI K.BHASKAR RAO,
Addl.CGSC

CORAM:

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

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

D

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri K.C.Timothy, applicant-in-person and Sri K.Bhaskara Rao, learned Standing Counsel for the respondents.

2. This Review Application is filed by the applicant in the OA against the dismissal of the O.A. The main contentions brought out in the R.A. are as follows:-

(i) The duties of Foreman when he was in the respondent organisation were not indicated by an order and as he had performed the duties of Senior Scientific Officer Gr.II (SSO Gr.II for short), he is eligible to be remunerated on that basis.

(ii) As there was no post of Foreman at the relevant time when he was posted and designated as Foreman ^{and} ~~though~~ discharged the duties of higher post, he should be considered for promotion ~~as he was discharging the duties of~~ the post of SSO Gr.II. The view taken by this Tribunal in upholding the contentions of the respondents that there was a post of Foreman available at that time on the basis of the letter as indicated in para-20 of the judgment dt. 22.9.1995 in the OA is an apparent error, and hence the judgment in the OA needs reconsideration.

3. The first contention that he has to be remunerated on the basis ~~■~~ that he was discharging the duties of SSO Gr.II has been clearly discussed in the judgment in paragraphs 9, 12, & 19 and the Tribunal

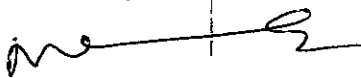


had come to conclusion that he cannot be remunerated as SSO Gr.II on that basis.

Further, it was also indicated in para-13 that the applicant was not educationally qualified to hold the post of SSO Gr.II. Hence, when he is not educationally qualified he has no case to ask for remuneration against that higher post.

4. The second contention was raised only in the Review Application. Even then we asked him to produce the necessary relevant documents wherein such an averment was made disputing the authenticity of the letters mentioned in the Reply Statement dt. 22.8.1995. Even in the R.A. no case has been made out regarding the authenticity of the above mentioned letters. The able to point out the relevant portion in regard to this contention either in his OA or in the RA. Hence, we see no error apparent in the judgment on this count.

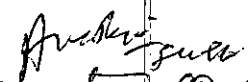
5. In view of the above, we find that there is no merit in the RA and hence this RA is dismissed.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated 29th March, 1996.
Open court dictation.

vsn/grh.


Deputy Registrar (C) CC