

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

Date of Order : 15.10.2004

Review Application No.03/2004.

IN

Original Application No.211/1999.

B. L. Tarwan S/o Shri Jagannath Prasad, presently appointed on the post of Temporary Sub-Inspector under District Opium Officer, Bhilwara, working as Constable, Central Bureau of Narcotics, Preventive and Intelligence Cell, Jaipur.

... Applicant.

v e r s u s

1. Union of India through Secretary (Revenue), Department of Revenue, Ministry of Finance, North Block, New Delhi.
2. The Narcotics Commissioner of India, Gwalior.
3. The Dy. Narcotic Commissioner of Rajasthan, Kota.

... Respondents.

Mr. Shailesh Prakash Sharma counsel for the applicant.  
Mr. Mahendra Singh proxy counsel for  
Mr. Sanjay Pareek counsel for the respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.  
Hon'ble Mr. A. K. Bhandari, Administrative Member.

: O R D E R (ORAL) :

The applicant has filed this Review Application against order dated 12.08.2003 passed in OA No.211/1999 whereby allowing the OA this Tribunal has directed the respondents to consider and pass appropriate order in respect of the applicant for grant of higher pay scale of Rs.825-1200 in terms of Memorandum dated 13.09.1991 within two months from the date of communication of this order.

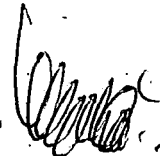
2. Notice of this application was given to the

respondents. Respondents have filed reply. In the reply, it has been stated that against the impugned order passed by this Tribunal, Writ Petition has been filed in the High Court and the Hon'ble High Court has also stayed the operation of the impugned judgement.

3. We have heard the learned counsel for the parties. The grievance of the review applicant in this RA is that there is error apparent on the face of record in the impugned judgement inasmuch as the applicant has been held entitled for higher pay scale of Rs.825-1200 in terms of Memorandum dated 13.09.1991 whereas according to the said Memorandum promotion has to be made to the post of Sub-Inspector which carried the higher pay scale of Rs.1200-1800 (revised pay scale of Rs.4000-6000) and there is no scale of Rs.825-1200.

4. We have considered the submissions made by the learned counsel for the review applicant. Since the operation of the impugned judgement has been stayed by the Hon'ble High Court and further the writ petition against the impugned judgement is already pending, according to us, the review application is not maintainable at this stage and is accordingly disposed of. Learned counsel for the review applicant submits that liberty may be reserved for him to file writ petition against this order before the Hon'ble High Court with a liberty reserved for him to raise all available contentions. Since the review applicant has got remedy by filing writ petition before the Hon'ble High Court and has legal right to approach the Hon'ble High Court against the impugned judgement, we need not to express any opinion on this point. RA is disposed of accordingly.

  
(A. K. BHANDARI)  
MEMBER (A)

  
(M. L. CHAUHAN)  
MEMBER (J)