

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,  
JAIPUR

R.A.No.11/2001 (OA No.536/95)

Date of order:- 12.04.2001

Dr. G.S.Somawat s/o Shri Late Shri K.R.Somawat, Director, National Commission for SC/ST, State Office, Jaipur, Ministry of Social Justice and Empowerment, C-29, Pankaj Singhvi Marg, Lal Kothi Scheme, Jaipur.

.. Review Applicant

V e r s u s

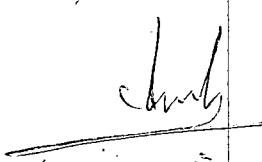
1. Union of India through the Secretary, Ministry of Agriculture, Department of Agriculture and Co-operation (Extension Division), Krishi Bhawan, New Delhi.
2. Secretary, Ministry of Social Justice and Empowerment Scheduled Castes Development Division (SCD), Shastri Bhawan, New Delhi.
3. Principal, Extension Education Institute, Nilokheri, Haryana.

.. Respondents

ORDER

PER HON'BLE MR. N.P.NAWANI, ADMINISTRATIVE MEMBER

This Review Application has been filed to recall/review the order of this Tribunal dated 2.3.2001 (Ann.RA/2) passed in OA No.536/1995, Dr. G.S.Somawat v. Union of India and ors.



2. Vide order dated 2.3.2001, this Tribunal had disposed of the said OA by partly allowing it. The operative part of the order is extracted hereunder:-

"i) Respondents No.1 shall pay interest @ 12% per annum on the amount of arrears of increments and leave salary paid to the applicant as consequential relief flowing from the judgment of the Guwahati Bench of this Tribunal in OA No. 53 of 1993 from 30 days after the date of decision i.e. from 27.10.1993 to the date such payments were actually made. This direction shall be complied with within 2 months of the date of receipt of a copy of this order;

ii) Respondent No.2 shall check whether the recordable warning, which was to be deleted in terms of order dated 25.3.1994 (Ann.A3) of respondent No.1 issued in pursuance of the judgment of the Guwahati Bench (supra), has actually been deleted from the ACR/service record and if not found to be deleted, delete the same forthwith on the strength of this order;

iii) The applicant will be considered to have been appointed on the post of Deputy Director for SC and ST in the Commission for SC and ST, Ministry of Welfare on 23.11.1988 on notional basis. He would not be entitled to any arrears of pay and allowances for the period 23.11.88 and the actual date of joining viz. 9.4.1991 but his pay will be fixed on 9.4.1991 as if he had joined the said post on 23.11.88 and

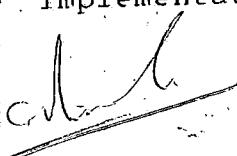


consequential benefits of such refixation will be paid to him within four months from the date of receipt of a copy of this order. The said period will also be counted for computing the pensionable service of the applicant. The applicant shall not, however, be entitled for counting the period between 23.11.88 and 8.4.1991 as qualifying service for the post of Deputy Director for promotion to the post of Director for SC and ST in the Ministry of Welfare.

In the circumstances, parties are left to bear their own costs."

3. We have perused the averments made in this Review Application and also perused the order delivered by this Tribunal on 2.3.2001 in OA No.536/95.

4. It is contended by the Review Applicant (applicant in the OA) that on refixation of his pay as per the directions of the Tribunal dated 2.3.2001 rendered in OA No. 536/95, there will be drop in the salary and total emoluments of the applicant. He has also annexed a statement (Ann.RA/4) giving details of the pay that would be worked out on the basis of notional promotion and, the pay drawn by the applicant on the post of Lecturer upto 8.4.1991 and thereafter on the post of Deputy Director. On going through the said statement, we do not find any drop in the basic pay of the applicant. In any case, it is not for the Tribunal to go into subsequent pay fixation that will be carried out and if the applicant is aggrieved by any pay fixation consequent to the implementation of the order dated



2.3.2001 in OA No.536/95 of the Tribunal, it is open to him to make a representation to the Department and if he is still not satisfied, it is again open to him to approach the proper forum for redressal of his grievance. The Review Applicant has also mentioned that Central Government, in consultation with the Union Public Service Commission, can relax any of the provisions of the Recruitment Rules, but whether the Central Government has relaxed the recruitment rules as per the guidelines issued by the Department of Personnel and Training vide OM dated 18.3.1988/ 23.10.1989 or not, is again not a matter for this Tribunal to go into in the Review Application. In any case, the Review Applicant has himself not clearly stated that the recruitment rules have already been amended and if, for arguments sake, the recruitment rules were already amended, it was for the applicant to produce a copy of the amended recruitment rules before the Tribunal, if he was expected to gain any advantage of the amended rules. In the absence of any such documents produced by the applicant, there is no question of the Tribunal re-appreciating the matter on the basis of the said vague averments in this Review Application and, therefore, the question of modification of the order dated 2.3.2001 in OA No. 536/95 does not arise.

5. The review applicant has also mentioned about a typographical error in Para 9 page 13 of the order dated 2.3.2001 rendered in OA No. 536/2001, stating that the correct date should have been 23.11.1988 and not 9.4.1988 as typed. We agree that this is a typographical error and consequently the date 9.4.88 mentioned in para 9 at page 13 of the order needs to be corrected as

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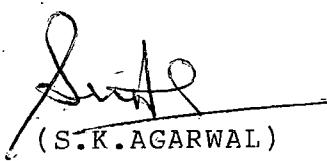
23.11.1988. It is also brought that the para following para 9 should be numbered as Para 10 instead of para 9. This also needs to be corrected.

6. In view of above discussions, the Review application is allowed only to the extent that the date 9.4.88 occurring in para 9 at page 13 of the order dated 2.3.2001 rendered in OA No. 536/95 may be corrected to read as 23.11.1988 and the paragraph following paragraph 9 may be numbered as 10. The Review Application is disposed of accordingly.



(N.P. NAWANI)

ADM. MEMBER



(S.K. AGARWAL)

JUDL. MEMBER