

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::::::::: GUWAHATI**

ORIGINAL APPLICATION NO. \_\_\_\_\_  
MISC. PETITION/CONTENT PETITION/REVIEW APPLICATION NO. 3/96  
vs (O A). 65/96

K.O.1 Farms APPLICANT(S)

VS.

Monemohan Dey RESPONDENT(S)

Mr. S. Ali, Sr. CAS Advocate for Applicant(s)

Mr. B.K. Sharma Advocate for Respondent(s)

Mr. B. Mehta

OFFICE NOTE	DATE	O R D E R
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Mr. S. Ali, Sr. CAS <sup>has</sup> application w/re 17 of CAT (Procedure) Rule, 1989 with a prayer for review of order dated 22.11.95 passed by this Honble Tribunal in O.A. 65/95.

The order was communicated to Mr. S. Ali, Sr. CAS, 1.1.96 vide despatch No. 15 and the same was received by this office on 9.1.96. The review petition has been filed on 29.1.96. Hence the application is within time.

and before the Bench for farm of order

Mr. S. Ali, Sr. C.G.S.C. for the applicant. (Original respondents).

The grounds raised for review relate to merits of the case and if the applicants feel aggrieved by the view taken by us their remedy does <sup>not</sup> lie by way of Review Application.

R.A. rejected.

S. Ali  
Member

K. Mehta  
Vice-Chairman

19.3.96  
copy of order dtd. 28.2.96 issued to the counsel for the parties vide DNO, 595-596 dtd. 20.3.96  
g/b.

OFFICE NOTE

DATE:

ORDER.

11/20

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI:

Filed by  
Hauhaba  
29/11/96  
General Secy. Telecom Circle  
General Adminstr B

R.A. NO. 3 OF/1996.  
( O.A. NO. 65/95 )

In the matter of :-

Review Applicatinn under section  
22(3)(f) of the Central Administrative  
Tribunal Act,1985.

-And-

In the matter of :-

Judgment and order dated 22.11.95  
passed by the Hon'ble Tribunal in  
O.A. No. 65/95.

-And-

In the matter of :-

1. Union of India,  
represented by the Secretary to  
the Government of India, Ministry  
of Communications, New Delhi.
2. The Assistant Director General(TE),  
Department of Telecommunications,  
New Delhi.
3. The Chief General Manager(Telecom),  
Assam Telecom Circle,Guwahati.

....Petitioners:

-Vs-

1. Sri Monomohan Dey
2. Sri Babul Kumar Das.

.pp/2...

3. Sri Manabendra Saha
4. Sri Khagendra Nath Sarma
5. Shri Islam Ahmed
6. Shri B. Tirupataiah

- All the applicants are working as Accounts Officer in the Departments of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati.

.... Opposite parties / Applicants:

The humble petition of the above named petitioners Most Respectfully Sheweth :-

1. That the opposite parties as applicants filed the O.A. No. 65/95 before the Hon'ble Tribunal praying for stepping up their pay with effect from 27.6.94 at par with one Sri <sup>K. Sankaranarayanan</sup> ~~Monomohan Dey~~ who was junior to them.
2. That the petitioners as Respondents contested the case by filing written statements and making oral submissions. The Hon'ble CAT after hearing on both sides allowed the O.A. and gave direction to the Respondents-petitioners to step up the pay of the opposite parties at par with Sri <sup>K. Sankaranarayanan</sup> ~~Monomohan Dey~~ vide judgment and order dated 22.11.95 and to pay their arrears.

Thus being highly aggrieved by and dis-satisfied with the judgment and orders dated 22.11.95, the humble petitioners beg to prefer this Review application on the following amongst other grounds.

- G R O U N D S -

1. For that there has been error apparent on the face of the record and as such the impugned judgment is liable to be reviewed.
2. For that in a similarly situated case the CAT, Bombay Bench while allowing the O.A. ordered that the pay of the applicants would be notionally fixed without giving the benefit of arrears and as such the present case being similarly situated and on similar footing the application would have been allowed even notional fixation of pay to the applicants and as such the impugned judgment is liable to be reviewed.
3. For that the same Hon'ble Bombay Bench held in a case of Shri M.P. Kulkarni and others -Vs- Union of India and ors. reported in SLJ, 1989 (4 at page 425) held that the disparity do not due to direct application of FR 22C and directed not to pay their Arrears salary and as such, it is a fit case to review the impugned judgment and order.
4. For that to avoid conflict of decisions between the Calcutta Bench, Ernakulam Bench, <sup>Bombay Bench,</sup> and Hyderabad <sup>Case</sup> Bench, it is necessary to review the impugned judgment and give fair and just decision on merit.

*H. Sarkar Narayana*

5. For that Sri Monomohan Dey's pay was fixed on higher side on the basis of his earlier achoc promotion and the applicant's pay have been given at lower scale than the Monomohan Dey as they were promoted later on and as such it is a fit case to be review the impugned judgment and order.
6. For that at any rate the impugned judgment and order is liable to be reviewed.

It is, therefore, respectfully prayed that the Hon'ble Tribunal may be pleased to admit the Review Application, call for the records and after hearing the parties set aside the impugned judgment and order dated 22.11.95 and decide the O.A. No. 65/95 on merit in accordance with Law.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

- Verification -

I, Shri M. Sinha, Asstt. Director Telecom(HRD), Office of the C.G.M.T., Assam Circle, Ulubari, Guwahati-7 being authorised do hereby solemnly declare that the statements made above are true to my knowledge, belief and information.

And I sign this verification on this 29 th day of January, 1996 at Guwahati.

Declarant:

सहायक निदेशक दूरसंचार (एच. आर. डी.)  
ASST Director Telecom (H R. D.)  
कार्यालय मुख्य महाप्रबन्धक दूरसंचार  
O/o The Chief General Manager  
दूरसंचार परिषद, गुवाहाटी-7

Order  
for Respdts.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : : : GUWAHATI.

DESPATCH NO. 15

DATED GUWAHATI, THE 11/1/95

ORIGINAL APPLICATION NO. : 68/95  
MISC. APPLICATION NO. :  
CONTEMPT PETITION NO. :  
REVIEW APPLICATION NO. :  
TRANSFER APPLICATION NO. :



Received  
on 9.1.96  
for

Shri Monomohan Roy & Ors. APPLICANT (S)  
PETITIONER (S)

VERSUS

Union of India & Ors. RESPONDENT (S)

To,

Mrs. S. Ali, Sr. C.G.S.C.,  
Central Admn. Tribunal,  
Guwahati Bench,  
Guwahati.

Sir,

I am directed to forward herewith a copy of Judgment/Order dtd. 22.11.95 passed by the Bench of this Tribunal comprising of Hon'ble Justice, Shri M. G. Chaudhary Vice-Chairman and Hon'ble \_\_\_\_\_ Member, Administrative in the above noted case, for information and necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

Encl. : As above.  
(Two pages)

*[Signature]*  
SECTION OFFICER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.65 of 1995

Date of decision : This the 22nd day of November 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

1. Shri Monomohan Dey
2. Shri Babul Kumar Das
3. Shri Manabendra Saha
4. Shri Khagendra Nath Sarma
5. Shri Islam Ahmed
6. Shri B. Tirupataiah

All the applicants are working as Accounts Officer in the Department of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati. ....Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta.

- versus -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Communications, New Delhi.
2. The Assistant Director General (TE), Department of Telecommunications, New Delhi.
3. The Chief General Manager (Telecom), Assam Telecom Circle, Guwahati.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

.....

O R D E R

CHAUDHARI, J. V.C.

Mr B.K. Sharma for the applicants.

Mr S. Ali, Sr. C.G.S.C., for the respondents.

The six applicants are working as Accounts Officers in the Department of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati. Their grievance is that on their promotion as Accounts Officers they have realised that the pay of K. Sankaranarayanan, who is junior to them and has been promoted as Accounts Officer on regular basis after the applicants were promoted

*hsc*

: 2 :

to that cadre, has been fixed higher than that of the applicants taking into account his pay during his fortuitous adhoc promotion as Accounts Officer which opportunity was not available to them and thus there arose an anomaly in the fixation of pay. The pay of the applicants has been fixed between Rs.2375 and Rs.2450 respectively, whereas the pay of Sankaranarayanan has been fixed as Rs.2750 with effect from 25.4.1991.

2. The applicants had preferred representations, but they were rejected on the ground that there was no anomaly. The contentions urged by the applicants in the instant case are the same as are urged by the applicants in companion O.A.No.64 of 1995, which has been separately decided today. The contention of the respondents in the instant case are the same as urged by them in that case. The rival contentions have been examined and for the reasons recorded in the order in the companion O.A., I have held that the applicants in that case are entitled to be given the relief as prayed. The same reasons are adopted in support of this order and it is not necessary to repeat them. For the same reasons following order is passed:

The respondents are directed to step up the pay of the applicants at par with K. Sankaranarayanan with effect from the date on which the anomaly arose and the respondents are further directed to pay to the respective applicants the arrears as may be found payable to them arising on account of refixation of their pay after removal of the anomaly.

The above exercise to be completed within a period of three months from the date of communication of this order to the respondents.

- 3. The original application is accordingly allowed. No order as to costs.
- 4. A copy of the order passed in O.A.No.64/95 may be placed in the record of this case.

**TRUE COPY**

प्रतिलिपि

Sd/- VICE CHAIRMAN

*[Signature]*  
20/11/95  
Section Officer (J)

उत्तम अधिकारी (न्यायिक शाखा)  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक उपाय  
Guwahati Bench, Guwahati-5  
गुवाहाटी ब.समी, गुवाहाटी-5

*[Signature]*  
20/11/95