

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

RA No.192/2012
TA No.98/2010

New Delhi this the 16th day of March, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P.K. Basu, Member (A)**

1. The Commissioner,
Municipal Corporation of Delhi,
Town Hall, Chandni Chowk,
Delhi-110006

2. The Director-in-Chief, CSE Department,
Municipal Corporation of Delhi,
Ambedkar Stadium,
New Delhi-110002. .. Review Applicants

(By Advocate: Shri R.K.Jain)

Versus

Mr. Ram Pat Verma
R/o B 2/363, Yamuna Vihar,
Delhi – 110053. .. Respondent.
(By Advocate: None)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard the learned counsel for the review applicants. None for the respondent.

2. TA No.98/2010 was filed by the applicant, who superannuated as a Chief Sanitary Inspector, seeking a direction to the respondents to grant salary/wages and allowances attached to the post of Sanitation Superintendent (SS) in the pay

scale of Rs.6500-10500 (pre-revised Rs.5500-9000) by treating that the applicant was promoted to the said post on adhoc basis at par with his juniors, who were given the identical benefits.

3. The Tribunal, partly allowed the T.A., after hearing both sides and after giving detailed reasons, on 02.12.2011. The Learned Counsel for the Review Applicants, while drawing our attention, to Para 5.1 of the said judgment, mainly submits that this Tribunal having noted that even according to the applicant himself that he had not completed the requisite length of service as CSI to be eligible for regular promotion to the post of Sanitation Superintendent, erred in partly allowing the T.A.

4. The said para 5.1 of the judgment under review, reads as under:

“5.1 It is not the case of the applicant that he had completed the requisite prescribed length of service as CSI to be eligible for regular promotion to the post of Sanitation Superintendent. His case on the other hand is based on two-fold contentions on different lines: (i) the applicant had been made to perform the duties of the higher post from 17.4.2003 till his retirement. However, he had not been given the benefits of the higher pay. (ii) Whereas other similarly circumstances persons, including some juniors, had been given ad hoc promotions and the benefits of the higher pay scale; the applicant had been deprived of both and thus unjustly treated and discriminated against.”

5. It is true that this Tribunal while partly allowing the T.A., in Para 5.1 and also in various other paras, observed that the applicant was not possessing the requisite length of service, however, after considering various other facts, such as mentioned in Para 5.1 itself and after applying various judicial precedents to the same, and by giving its own reasons, disposed of the T.A.

6. It is not the case of the Review Applicants that this Tribunal failed to consider the fact of non-completion of requisite length of service by the applicant, while giving its final decision, to make it an error apparent on record. Even according to them that this Tribunal wrongly allowed the T.A. It is trite that no review is maintainable, if the order under review, is erroneous. In such an event the remedy lies under different provisions of law and before a different forum. The Review Applicants by way of present RA are trying to re-argue the case, which is impermissible as per the settled principle of law.

7. In the circumstances and in view of the aforesaid reasons, we do not find any merit in the RA. The RA is accordingly dismissed. No costs.

(P.K. BASU)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

/kdr/

