

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No. 85/2004 in
OA No. 431/2003

New Delhi, this the 15th day of March, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A. Singh, Member (A)

1. Shri Jai Prakash s/o Sh. Amla Nand Dhyani,
R/o Type II/27, Sch 'B'
President's Estate, New Delhi.
2. Sh. D.S.Dogra s/o Sh. N.R.Dogra,
R/o 1 B, Block-71, Havlock Square,
New Delhi

Versus

1. Union of India through
Secretary to the President,
President's Secretariat,
Rashtrapati Bhawan,
New Delhi.
2. Under Secretary (Estt.)
President's Secretariat,
Rashtrapati Bhawan,
New Delhi.

ORDER (By Circulation)

Justice V.S. Aggarwal, Chairman -

Jai Prakash and another had filed O.A. No. 431/2003. On 18.12.2003, the same was disposed of with the following findings:

"9. However, we notice that the Anomalies Committee had been set up even before the Fifth Central Pay Commission had given the recommendations. In that view of the matter, the said Anomalies Committee's report should not be used to the detriment of the applicants. Office Memorandum of 17.2.1999 has been issued after the Fifth Central Pay Commission's Report had been received. Keeping in view the fact that the applicants were also placed in the pre-revised scale of Rs. 1320-2040/- in case they have not to be given any other scale, the matter necessarily should be considered by another Anomalies Committee.

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which may be appointed. This should be within the President's Secretariat to consider their grievance.

10. Resultantly, we dispose of the present application with a direction that another Anomalies Committee may be appointed to consider the claim of the applicants pertaining to the anomalies that have been pointed and thereupon a decision may be taken accordingly. It would be highly appreciated if the decision is taken in this regard preferably within six months from the date of receipt of the certified copy of the present order."

2. On behalf of the respondents, the petition has been filed seeking review of the said order. It has been asserted that Anomalies Committee had already examined the representations filed by various categories of household establishments including one Ram Chander, Senior Telephone Attendant. It has been pointed that applicant no.1 cannot claim pay parity with Chief Cook and Senior Telephone Attendant who already enjoy the higher scale. Similarly, it has been pointed that so far as applicant no.2 is concerned, he was given the pay scale recommended by the 5th Central Pay Commission. The anomalies committee had examined the scales of all the categories of household establishments. The second applicant cannot claim similarity with the categories quoted by him as the Anomaly Committee was guided in its recommendations by all the factors.

3. Review would only be permissible if there is any error apparent on the face of the record. When the original Application matter was taken up, the respondents' learned counsel himself had drawn our attention to the fact that the Anomaly Committee that was appointed, had taken into

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consideration the cases of Butler, Cook and Laundryman etc. but not that of the applicants. In face of this fact being so stated, when the order in question was passed, it cannot be termed that there is any error apparent on the face of the record.

4. Petition must fail and is dismissed in circulation.


(S.A. Singh)

Member (A)


(V.S. Aggarwal)

Chairman

/dkm/