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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

RA 313/2004 in  
OA 2996/2003

New Delhi, this the 15<sup>th</sup> day of December, 2004

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman (J)  
Hon'ble Mr. S. K. Malhotra, Member (A)

Kishan Chand Sharma & Ors.

..Review Applicants

Versus

Union of India & Ors.

...Respondents.

**O R D E R (In Circulation)**

**By Hon'ble Mr. S.K. Malhotra**

This application has been filed by the applicant seeking review of the order dated 29.10.2004 in OA 2996/2003.


2. In the Review Application, the applicant has stated that there are certain errors apparent on the face of the records. He has pointed out that the contention raised by him in the OA that the post held by him is filled 100% by promotion from the feeder grade Draftsman Grade "B" and in Zonal Railways, 80% posts in Draftsman Grade-II are filled up by promotion and 20% by direct recruitment, has not been dealt with appropriately. He has also referred to certain observations made in the judgement dated 3.10.2002 in RA 245/2001 in OA No.855/2000 which according to him, have not been considered by the Tribunal. A reference has also been made to a judgement dated 19.1.1996 in OA 144/1996 and another judgement of this Tribunal dated 23.7.2004 (OA 3020/2003) in the case of **Babu Ram Vs. Union of India and Anr.** in support of his case.

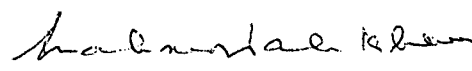
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3. After going through the Review Application we find that no much less glaring mistake has been pointed out which is apparent on the face of the records in the order dated 29.10.2004 passed by the Tribunal in OA 2996/2003. Some of the judgements now relied upon were neither mentioned nor discussed at the time of arguments in the O.A.

4. After considering all the points raised by the applicant, a conscious decision was taken by us that there was no justifiable reason to interfere with the pay scale granted to the applicant, which was based on the report of the Fifth Central Pay Commission and also of the Anomaly Committee. The applicant by filing this application has sought to re-open the case on merit by bringing certain new issues for consideration, which is not permissible in a Review Application. As mentioned above, no glaring mistake apparent on the face of the records has been pointed out which warrants the review of the order. The provisions of the order XLVII Rule (1) of the Code of Civil Procedure are also not attracted in this case.

5. In view of the above, the RA turns out to be without any merit and is dismissed accordingly, without any notice to the respondents.

  
(S.K. Maihotra)  
Member (A)

  
(M.A. Khan)  
Vice-Chairman (J)

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