

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH**

...

M.A.NO.060/01625/2019
and
REVIEW APPLICATION NO.060/00033/2019
IN
ORIGINAL APPLICATION NO.060/00690/2018

Chandigarh, this the 23rd October, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

...

1. Manish Kumar, Age 40 years, S/o Sh. Purshottam Lal, working as TGT (Hindi), Government Model High School, Karsan (Ram Darbar), Chandigarh, R/o #807, Phase-X, Mohali. Group-C
2. Smt. Tina Bansal, Age 41 years, w/o Sh. Sanjay Kumar Bansal, working as TGT (Science-Non Medical), Government Model Senior Secondary School, Sector 46-D, Chandigarh, R/o #1069/A, Sector 20-B, U.T. Chandigarh. Group-C.
3. Ramesh Kumar, Age 38 years, S/o Sh. Surinder Kumar, working as JBT Teacher, Government Middle School, Kishangarh, Chandigarh, R/o #1731, Sector 28, Panchkula. Group-C.
4. Smt. Kanchan Bala, Age 41 years, w/o Sh. Rupinder Kumar Singla, working as TGT (Punjabi), Government Model Senior Secondary School, Sector 32, Chandigarh, R/o # 2103/1, Sector 45-C, U.T. Chandigarh. Group-C.
5. Yashpal, Age 39 years, S/o Sh. OM Parkash, working as DPE Teacher, Government Model Senior Secondary School, Sector 46, Chandigarh, R/o # 23, Gulmohar Avenue, Dhakoli, Mohali, Punjab. Group-C.
6. Mukesh Jakhar, Age 38 years, S/o Sh. Yashpal, working as TGT(Mathematics) , Government Middle School, Sector 33, Chandigarh, R/o # 23, Gulmohar Avenue, Dhakoli, Mohali, Punjab. Group-C.
7. Jagdeep Ahlawat, Age 37 years, S/o Sh. Dayanand Ahlawat, working as TGT (Mathematics), Government Model Senior

Secondary School, Sector 32, Chandigarh, R/o #196, Sector 27, Panchkula. Group-C.

8. Mohinder Kumar Taneja, Age 43 years, S/o Sh. Manohar Lal, working as TGT (Science–Non Medical), Government Model Senior Secondary School, Village Behlana, Chandigarh, R/o #338, Street No.3, Preet Nagar, Derabassi, Punjab. Group-C.
9. Sushil Solanki, Age 40 years, w/o Sh. Parveen Kumar, working as JBT Teacher, Government Model High School, Vikas Nagar, Mauli Jagran, Chandigarh, R/o # 986, Sector 38/W, DMC, Chandigarh. Group-C.
10. Smt. Poonam, Age 40 years, w/o Sh. Kamal Singh, working as JBT Teacher, Government Model High School, Sector 29-A, Chandigarh, R/o # 623-A, Dharampur Colony, Pinjore. Group-C.
11. Smt. Mamta, Age 37 years, w/o Sh. Rakesh Poria, working as JBT Teacher, Government Model Senior Secondary School, Raipur Khurd, Chandigarh, R/o # D-22, Shalimar Enclave, Dhakoli, Punjab. Group-C.
12. Baljor Singh, Age 38 years, S/o Sh. Gurmail Singh, working as TGT (Mathematics), Government Model High School, Sector 11, Chandigarh, R/o # 3076, Sector 23-D, Chandigarh. Group-C.
13. Smt. Palminder Kaur, Age 39 years, w/o Sh. Harpreet Singh, working as TGT (English), Government Model Senior Secondary School, Sector 46, Chandigarh, R/o # 603, Phase-IV, Mohali. Group-C.
14. Smt. Pooja Sehgal, Age 43 years, w/o Sh. Ashish Sehgal, working as JBT Teacher, Government Model Senior Secondary School, Sector 46, Chandigarh, R/o # 1327-A, Sector 20, Chandigarh. Group-C.
15. Smt. Pooja Madan, Age 39 years, w/o Sh. Manish Kumar, working as TGT (Mathematics), Government Model Senior Secondary School, Sector 45, Chandigarh, R/o # 807, Phase-X, Mohali. Group-C.
16. Kuldeep Nijhara, Age 41 years, S/o Sh. Navneet Lal, working as JBT Teacher, Government Primary School, Buterla, Chandigarh, R/o # 1045/B, Sector 41-B, Chandigarh Group C.

17. Smt. Smita, Age 40 years, w/o Sh. Sameer Kapoor, working as TGT (English), Government Model Senior Secondary School, Manimajra Town, Chandigarh, R/o # 853, Sector-7, Panchkula. Group-C.
18. Goldy Thapliyal, Age 40 years, w/o Sh. Som Nath Sehgal, working as TGT (Sanskrit), Government Model Senior Secondary School, Sector 23-A, NYCA, Chandigarh, R/o # 875-A, Sector 43-A, U.T. Chandigarh. Group-C.
19. Susheel Sharma, Age 41 years, S/o Sh. Baru Ram, working as TGT (Social Studies), Government Model High School, Sector 28-C, Chandigarh, R/o # 2192, Sector 19-C, Chandigarh. Group-C.
20. Smt. Indu Bala, Age 40 years, D/o Sh. Dalip Chand, working as JBT Teacher, Government Model Senior Secondary School, Karsan, Chandigarh, R/o # 1010, Sector 23-B, Chandigarh. Group-C.
21. Ajay Kumar, Age 39 years, S/o Sh. Ashok Kumar, working as JBT Teacher, Government Primary School, Timber Market, Sector 26, Chandigarh, R/o # 804, Ravindra Apartments, Baltana, Zirakpur, District Mohali (Punjab) Group-C.
22. Smt. Anju Gupta, Age 39 years, w/o Sh. Manish Kumar, working as TGT (Social Studies), Government Model Senior Secondary School, Sector 33-D, Chandigarh, R/o # 1701/1, Sector 44-B, RBI Colony, Chandigarh. Group-C.
23. Smt. Sarika Tayal, Age 41 years, w/o Sh. Munish Kumar, working as TGT (Hindi), Government Model Senior Secondary School, Sector 37-D, Chandigarh, R/o # 917/1, Sector 40-A, Chandigarh. Group-C.
24. Smt. Dalwinder Kaur, Age 40 years, w/o S. Jasbir Singh, working as TGT(Social Studies), Government Model Senior Secondary School, Sector 35, Chandigarh, R/o # 1399, Sector 44-B, Chandigarh. Group-C.
25. Jasbir Singh Maan, Age 38 years, S/o Sh. Gurmeet Singh Maan, working as JBT Teacher, Government Model Senior Secondary School, Sector 19, Chandigarh, R/o # 249-D, Sector 43-A, Chandigarh. Group-C.

26. Bharat Chopra, Age 43 years, S/o Sh. Thakur Dass Chopra, working as TGT (Non Medical), Government High School, Sector 38-B, Chandigarh, R/o # 1024-B, Sector 41-B, Chandigarh. Group-C.
27. Smt. Geeta Rani, Age 38 years, w/o Sh. Bharat Chopra, working as JBT Teacher, Government Model High School, Sector 40-A, Chandigarh, R/o # 1024-B, Sector 41-B, Chandigarh. Group-C.
28. Joginder Kumar, Age 38 years, S/o Sh. Swami Ditta, working as TGT (Mathematics), Government Middle School, Pocket No.6, NAC, Manimajra, Chandigarh, R/o # 77-A, Golden Estate, Baltana, Zirakpur, District Mohali (Punjab) Group-C.
29. Kapil Sood, Age 39 years, S/o Late Sh. Radha Raman Sood, working as TGT (Mathematics), Government High School, Sector 53, Chandigarh, R/o # 7/2, Sector 41-A, Chandigarh. Group-C.
30. Sukhdev Singh, Age 37 years, S/o Sh. Gurmeet Singh, working as JBT Teacher, Government Model High School, Karsan, Chandigarh, R/o #1033, Preet Colony, Zirakpur, District Mohali (Punjab) Group-C.
31. Smt. Deepmala, Age 37 years, w/o Sh. Zile Singh, working as TGT (Mathematics), Government Middle School, Pocket No.6, NAC Manimajra, Chandigarh, R/o # 3084, Sector 23D, Chandigarh. Group-C.
32. Smt. Indu Goel, Age 38 years, w/o Sh. Vikas Chander, working as TGT (Mathematics), Government Middle School, Pocket No.6, NAC Manimajra, Chandigarh, R/o # 1247, Sector 10, Panchkula. Group-C.
33. Hemant Mittal, Age 42 years, S/o Sh. Mangat Rai Mittal, working as JBT Teacher, Government Model Senior Secondary School, Sector 38-W, DMC, Chandigarh, R/o # B-002/09591, New Swami Nagar, Kharar District SAS Nagar Punjab. Group-C.
34. Jitesh Kumar, Age 39 years, S/o Sh. Jagdish Rai, working as JBT Teacher, Government Middle School, Sector 33B, Chandigarh, R/o # 569-A, Sector 46A Chandigarh. Group-C.

35. Anju Bala, Age 37 years, d/o Sh. Rajender Parsad, working as TGT (Mathematics), Government Model Middle School, Pocket 10, Manimajra, Chandigarh, R/o # 1247, Sector 10, Panchkula. Group-C.
36. Laxmi, Age 37 years, d/o Sh. Krishan Kumar, working as JBT Teacher, Government Primary School No.1, Manimajra, Chandigarh, R/o # 172, Govind Vihar, Baltana, Zirakpur District Mohali Punjab. Group-C.
37. Anjali Arora, Age 39 years, w/o Sh. Munish Kumar, working as JBT Teacher, Government Primary School No.1, Manimajra, Chandigarh, R/o # 939, ASP 9, Sector 12A, Panchkula. Group-C
38. Suman Sangwan, Age 41 years, w/o Sh. Yogesh Kumar, working as JBT Teacher, Government Primary School No.1, Manimajra, Chandigarh, R/o # G-62, GH-94, Sector 20, Panchkula. Group-C
39. Rajesh Kumar, Age 42 years, s/o Sh. Roshan Lal, working as TGT (Sanskrit), Government Model Senior Secondary School Sector 33D, Chandigarh, R/o # 2278A, Sector-19C, Chandigarh. Group-C
40. Shaveta, Age 38 years, w/o Sh. Krishan Kumar, working as JBT Teacher, Government Model High School, Mauli Colony Chandigarh, R/o # 18, Saini Vihar Phase I, Baltana, Zirakpur District Mohali Punjab. Group-C
41. Anamika Dalal, Age 38 years, w/o Sh. Charan Singh, working as TGT (Maths), Government Model Senior Secondary School, Sector 8-B, Chandigarh, R/o # 941-A, Sector 7/B, Chandigarh. Group-C
42. Reeta, Age 41 years, w/o Sh. N.R. Bhardwaj, working as TGT (Medical), Government Model Senior Secondary School, Sector 56, Chandigarh, R/o c/o Anamika Dalal # 941-A, Sector 7/B, Chandigarh. Group-C
43. Rajwinder Kaur, Age 40 years, d/o Sh. Joginder Singh, working as JBT Teacher, Government Middle School, Pocket 6, NAC Manimajra, UT Chandigarh, R/o VPO Sadhora, District Yamunanagar, Haryana. Group-C

44. Kamlesh Kumari, Age 40 years, d/o Sh. Sunil Kumar, working as TGT (Hindi), Government Model High School, Sector 28/C, Chandigarh, R/o # 782, Pandit Colony, Village Kajheri, Chandigarh. Group-C
45. Suman Lata, Age 39 years, d/o Sh. Vipin Kumar, working as JBT Teacher, Government High School, Indira Colony, Manimajra, Chandigarh, R/o # 2626, Sector 22/C, Chandigarh. Group-C
46. Amit Kumar, Age 37 years, s/o Sh. Raghu Nath Lal, working as JBT Teacher, Government Senior Secondary School, Sector 45/A, Chandigarh, R/o # 2282-B, Sector 19/C, Chandigarh. Group-C
47. Sonia, Age 37 years, w/o Sh. Manoj Kumar, working as JBT Teacher, Government Primary School No.2, Manimajra, Chandigarh, R/o # 813, Sector 11, Panchkula, Haryana. Group-C...

Applicants

Versus

1. Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9, Chandigarh through Special Secretary Finance, Chandigarh Administration.
2. Secretary Education, Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9, Chandigarh
3. Director Public Instructions (Schools), Union Territory, Chandigarh Administration, Sector 9, Chandigarh.
4. District Education Officer, Union Territory, Chandigarh Administration, Deluxe Building, Sector 9, Chandigarh.

...Respondents

ORDER (By circulation)
SANJEEV KAUSHIK, MEMBER (J)

1. The claim of the applicants in the Original Application was allowed and disposed of by order dated 25.10.2018, which is reproduced as under :-

"5. Learned counsel for the parties are in agreement that this matter can be disposed of in view of letter dated 24.01.2018 (Annexure A-11) issued by the UT Administration adopting the notification dated 25.10.2012 of the Punjab Govt. whereby approval has been accorded for change of option for revised scale on the condition that the salary will be fixed on notional basis.

6. Learned counsel for the respondents submitted that this O.A. may be disposed of while quashing the impugned orders dated 10.05.2018 and 16.05.2018 (Annexure A-1 and A-1/1) whereby the request of the applicants for change of option for revised pay structure has been rejected, and the matter may be remitted back to the respondents to allow the applicants to give their revised option for fixation of pay and accordingly they will fix their pay.

7. In view of the above specific statement by the learned counsel for the respondents, the impugned orders (Annexure A-1 and A-1/1) are hereby quashed and the matter is remitted back to the respondents to consider the case of the applicants in view of notification dated 24.01.2018 (Annexure A-11) and allow them to give fresh option for fixation of their pay.

8. Accordingly, the O.A. stands disposed of. MA No. 060/00874/2018 also stands disposed of."

2. On 25.10.2018, Mr. A.L. Nanda, Advocate, had appeared for the respondents and it is on his statement that the O.A. was disposed of by remitting the matter to the respondents to allow the applicants to submit fresh options for fixation of their pay.

3. Now the R.A. has been filed by the respondents through Mr. Vinay Gupta, Advocate, for review of the order on the grounds that concession was made by their counsel inadvertently. The case of applicants is not covered under the Policy dated 25.10.2012, as adopted by U.T. Chandigarh. It would cause injustice, to other

similarly situated persons also who have not been given this benefit as well as to the respondents as well. Thus, order may be reviewed.

4. The respondents have also filed M.A. No. 060/01625/2019 seeking condonation of delay of 289 days in filing the R.A. The only ground mentioned is that the case remained under active consideration with various heads of departments, which caused delay and it is not deliberate. Thus, delay may be condoned in filing the R.A.

5. On a consideration of the M.A. for condonation of delay in filing the R.A., we find that no reasons, whatsoever, much less cogent ones, have been given in the application which may convince us to condone the delay. Just because the case remained under consideration with different Heads of Departments, does not afford any ground to the respondents to seek condonation of delay. It is well settled law that a litigant has to satisfy the Court that he or she has made out sufficient cause in seeking the indulgence of the Court for not availing the remedy within the stipulated time. No person, as a matter of routine, can escape the liability of satisfying the Court or Tribunal that the application was filed with due diligence. The Courts cannot come to the rescue of a person where the application for condonation of delay does not spell out sufficient cause and the approach of the litigant, in making such application, is casual and cryptic.

6. In the case **P.K. RAMACHANDRAN V. STATE OF KERALA**, reported in AIR 1998 SC 2276, the Hon'ble Apex Court, has ruled as under:-

"Law of limitation may harshly affect a particular party but it has to be applied with its entire rigor when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds. The discretion exercised by the High Court was, thus, neither proper nor judicious. The order condoning the delay cannot be sustained. This appeal, therefore, succeeds and the impugned order is set aside. Consequently, the application for condonation of delay filed in the High Court would stand rejected and the Miscellaneous First Appeal shall stand dismissed as barred by time. No costs."

7. In view of the factual and legal scenario, as discussed above, we do not find any ground to condone the delay in filing the R.A. and as such the same is dismissed.

8. The plea that some other similarly situated employees may also face injustice, if applicants are granted the benefit. This, to say the least, is no ground to review the order. It is now well settled principle of law that the scope for review is rather limited, and it is not permissible for the forum hearing the review application to act as an Appellate Authority, in respect of the original order afresh and re-hearing of the matter, to facilitate a change of opinion on merits. The reliance in this regard can be placed on the judgments of the Hon'ble Supreme Court in cases of **PARSION DEVI AND OTHERS VS. SUMITRI DEVI AND OTHERS** (1997) 8 SCC 715, **AJIT KUMAR RATH VS. STATE OF ORISSA** (1999) 9 SCC 596, **UNION OF INDIA VS. TARIT RANJAN DAS** (2003) 11 SCC 658 and **GOPAL SINGH VS. STATE CADRE FOREST OFFICERS' ASSOCIATION & OTHERS** (2007) 9 SCC 369.

9. Meaning thereby, an order can only be reviewed if case strictly falls within the pointed domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise, which is not available in the case in hand. The

applicant in R.A has neither pleaded nor urged any error on the face of record warranting review of the order in question, except re-arguing the case all over again.

10. In the light of the aforesaid reasons, as there is no merit, the RA and MA are dismissed, by circulation.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 23.10.2019

HC*

