

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

RA 148/2015 in  
OA 1861/2014  
MA 1594/2014

Reserved on: 10.02.2016  
Pronounced on: 15.02.2016

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

1. Shri Ashok Kumar Yadav, aged 46 years  
S/o Shri P.L. Yadav  
R/o F 360, Type 3, Nanakpura  
Moti Bagh-II, New Delhi-110021
2. Shri Ravi Gupta, aged 44 years  
S/o Shri R.B. Gupta  
R/o BU-54, Pitampura  
Delhi-110088
3. Shri Sunkara Venkat Ramana, aged years  
S/o Shri Venkateshwrlu  
R/o 3-11-41/A, Ramanthapuram  
Hyderabad, AP – 500013
4. Shri Prem Chandra Dhyani, aged 51 years  
S/o Shri M.N. Dhyani  
R/o K-6/12, Udyan Marg, Sector-2  
Kalibari, New Delhi
5. Shri K.H. Umesh, aged 46 years  
S/o Sh. K. Hoovappa  
R/o C3/3, Akashvani Staff Qtrs,  
Urva Stores, Mangalore-575006
6. Shri Rajeev Joshi, aged 49 years  
S/o Shri R.C. Joshi  
R/o B-1/317, Aravali Apartments,  
Sector-34, Noida, UP-201301
7. Shri Ajay Kumar, aged 44 years  
S/o Shri Mahipal Singh  
R/o B 26, Maharana Pratap Enclave,  
Pitampura, New Delhi-110034
8. Shri Bhuban Patgiri, aged 45 years  
S/o Shri Uday Chandra Patgiri  
R/o House No.5, Surendra Rabha Path

Barpukahiri Per, Hengrabari, Guwahati  
Assam 781036

9. Shri Bhagwati Prasad, aged 57 years  
S/o Late Shri Y. Prasad  
R/o D 797, Pocket 3, DDA Flats,  
Bindapur, New Delhi-110059
10. Shri Sanjay Aggarwal, aged 42 years  
S/o Shri G.C. Aggarwal  
R/o 125 Sant Nagar,  
New Delhi-110065
11. Shri Tejinder Kumar, aged 48 years  
S/o Late Shri S.P. Channan  
R/o 390, Vipin Garden, Dwarka Mor  
New Delhi-110059
12. Shri Rakesh Chander Dabas, aged 48 years  
S/o Shri Ajit Singh  
R/o House No.151  
Village & Post Kanjhawala  
Delhi-110081
13. Shri Sunil Dutt, aged 46 years  
S/o Shri Mehar Singh  
R/o House No.79, Prehladpur  
Delhi-110042
14. Shri Vinod Joshi, aged 48 years  
S/o Shri P.D. Joshi  
R/o 1D-Pocket C, Mayur Vihar Phase – 2  
Delhi-110091
15. Shri Kamleshwar, aged 53 years  
S/o Shri S. Singh  
R/o House No.171 B, Pocket C  
Janta Flats, Mayur Vihar Ph-III  
Delhi-110091
16. Shri Umesh Babu, aged 51 years  
S/o Shri Reghunath Prasad,  
R/o B-I-613, Dr. Ambedkar Nagar,  
Madangir, New Delhi-110062
17. Shri Kulbhushan Bhatia, aged 50 years  
S/o Late Shri S.K. Bhatia,  
R/o 12/3A, Double Storey,  
Moti Nagar, New Delhi-110015
18. Shri Sanjay Acharjee, aged 45 years  
S/o Shri Sudhangsu Acharjee  
R/o 3/33, Staff Quarters, All India Radio  
Guwahati, Assam-781003

19. Shri Vishnu Verma, aged 46 years  
S/o Shri M.C. Verma  
R/o B-10, Surajmal Vihar  
Delhi-110092
  20. Shri Rajesh Kumar Sharma, aged 50 years  
S/o Shri H.C. Verma  
R/o 205, Gali No.2, Pratap Vihar Part-2  
Kirari, Delhi-110086
  21. Shri Anukul Chanda, aged 48 years  
S/o Late Shri Pramesh Chanda  
R/o Staff Quarters No.C-28,  
Doordarshan Colony, VIP Road,  
Barbari, Guwahati,  
Assam-781036
- ... Applicants

(Through Shri Manish K. Bishnoi, Advocate)

Versus

1. Union of India  
Through the Secretary,  
Ministry of Information and Broadcasting,  
6<sup>th</sup> Floor, Shastri Bhawan,  
New Delhi-110001
  2. Prasar Bharti Broadcasting Corporation  
Through its Chief Executive Officer,  
PTI Building, Sansad Marg,  
New Delhi-110001
  3. Director General  
Prasar Bharti  
Broadcasting Corporation of India  
All India Radio  
Parliament Street,  
New Delhi
  4. Director General  
Doordarshan  
Prasar Bharati  
New Delhi
- ... Respondents

(Through Ms. Ishita Baruah for Shri Gaurang Kanth, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

This Review Application (RA) has been filed against the order dated 1.04.2015 in OA 1861/2014. The grievance of the applicants in the OA was that they had not been given pay parity with Lighting Assistants and denied the pay scale of Rs.5000-8000, which was granted to the Lighting Assistants. The OA was allowed and the operative part of the order reads as follows:

“The OA is, therefore, allowed and the respondents are directed to grant the benefits of higher scale of Rs.5000-8000/- w.e.f. 1.01.1996 on notional basis to the applicants.”

2. The applicants contend that in the OA, they had made the following prayer:

“(i) Direct the respondents to immediately and forthwith grant the benefits of higher pay scale of Rs.5000-8000/- with effect from 1.1.1996 to the petitioners in the same manner as has been granted to the 31 Lighting Assistants by following the dictum laid down by the Hon’ble Supreme Court in judgment dated 10.1.2013 in SLP (C) No.33048/2011 and **further grant all other consequential benefits, including arrears of pay and allowances.**” (emphasis supplied)

3. The applicants grievance is that though the applicants had sought direction from the Tribunal for grant of all other consequential benefits including arrears of pay and allowances, the Tribunal had granted benefits of higher scale of Rs.5000-8000 with effect from 1.01.1996 only on notional basis without

giving detailed reasons why part of the prayer had not been granted.

4. If we read para 5 of the Tribunal's order, it would be clear that the Tribunal had noted that there was no prayer for arrears before the Hon'ble Madras High Court in the earlier Writ Petition bearing No.27155/2009. The Hon'ble Madras High Court had granted benefits of notional pay with effect from 1.07.1983. This order of the Madras High Court was upheld by the Hon'ble Supreme Court in SLP No.33048/2011. This Tribunal had, in the light of the judgment of the Hon'ble Madras High Court and the Hon'ble Supreme Court, granted notional benefit only. In fact, the prayer clause also states "in the same manner as has been granted.....following the dictum of judgments of the Hon'ble Madras High Court and the Hon'ble Supreme Court...."

5. We have examined the issue in light of the judgment of the Hon'ble Supreme Court in **Kamlesh Verma Vs. Mayawati and others**, (2013) 8 SCC 320, where the Hon'ble Supreme Court has provided both the negative and the affirmative *lis* where a review is maintainable or not maintainable. For the sake of clarity, we extract the relevant portion as under:

"20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:-

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words "any other sufficient reason" has been interpreted in Chhajju Ram v. Neki, [AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius & Ors., [(1955) 1 SCR 520], to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. & Ors., [JT 2013 (8) SC 275].

20.2. When the review will not be maintainable:-

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."

This has been earlier emphasized by the Hon'ble Supreme Court in **State of West Bengal and others Vs. Kamalsengupta and another**, (2008) 8 SCC 612.

6. Clearly the issue being raised by the applicants in the RA will not come in the category of error apparent on the face of the record. The decision of the Tribunal is after taking into view all facts and circumstances and previous orders of the Hon'ble Madras High Court and the Hon'ble Supreme Court.

7. While the applicants may differ with our conclusion, clearly the remedy does not lie in review in the light of the judgments cited above. The RA is, therefore, dismissed.

( P.K. Basu )  
Member (A)

( V. Ajay Kumar )  
Member (J)

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