

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2838/2002

2

New Delhi, this the 1st day of November, 2002

HON'BLE SH.GOVINDAN S. TAMPI, MEMBER (A)

D.P. Sharma
S/o Shri K.N. Sharma
R/o A/176 Gujaraawan Town,
Part-I
New Delhi-110 009.Applicant

By Advocate: Shri Anil Singhal, proxy counsel for
Shri Rajeev Aggarwal, Counsel.

VERSUS

Union of India
Through the Secrtyy,
Ministry of Law and Justice,
Shastri Bhawan,
New Delhi.Respondent

ORDER (ORAL)

1. Heard Shri Anil Singhal, learned proxy counsel for the applicant.
2. In this OA, Shri D.P.Sharma, Part-time Member of the Appellate Tribunal for Foreign Exchange, New Delhi, is seeking higher remuneration for the period he had acted as the Chairman of the Tribunal and shouldered higher responsibilities.
3. The applicant, an Additional Secretary in the Department of Legal Affairs in the Ministry of Law & Justice was appointed as Part-time *Member* of the Appellate Tribunal for Foreign Exchange on 21.3.2001. Thereafter, on 26.6.2001 he was directed to act as the Chairperson of the said Tribunal, till the appointment of the regular Chairperson, which took place on

20.12.2001. Thus for the period 26.3.2001 to 20.12.2001, he functioned as the Chairperson of the Tribunal and shouldered as higher responsibilities. According to him, his case is covered under FR 49 (iii) under which was entitled for getting the benefit of pay applicable to the higher post. The applicant's representation dated 11.9.2001 in this regard had not been responded to, leading to the filing of this OA. According to Shri Anil Singhal, learned counsel, who appeared for applicant before me today, having worked in the higher post and having shouldered higher responsibilities, the applicant was entitled for higher and allowances, a point in law settled by the Hon'ble Supreme Court in the case of **Selvaraj Vs. Lt. Governor of Island, Port Blair & Ors.** (1998 (4) SCC 291) and **Secretary-cum-Chief Engineer, Chandigarh Vs. Hari Om Sharma & Ors.** (Civil Appeal No. 5546/1995 decided on 29-4-1998). He also stated that the respondents have not bothered to reply the representation, filed by the applicant.

4. I have considered the matter. In the facts and circumstances of the case, as brought out in the OA, I am of the view that interest of justice would be adequately taken care of, if the respondents are directed to dispose of the above representation dated 11.9.2001, within a specific time-frame. I order accordingly at the admission stage itself and direct that the respondent shall dispose of the applicant's representation within two months from the date of receipt of a copy of this order, strictly in

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accordance with law and also having regard to the judicial pronouncements of the Hon'ble Apex Court referred to in paragraph 3 (supra). A copy of this OA alongwith this order be endorsed to the respondent who shall treat this OA also as a part of the above representation.

(A)

(GOVINDAN S. TAMPi)
MEMBER (A)

/vksn/

1.XI.2012

No.28

MA-148/2003 in OA-2838/2002

20.01.2003

(6)

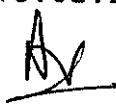
Present :sh. R.N. Singh, proxy for Sh. R.V.Sinha,
counsel for applicants in MA/respondents
in OA.

MA-148/2002 has been filed by the
respondents seeking extension of time to implement
the Tribunal's order dated 1.11.2002.

Heard.

Issue notice on the said MA to the opposite
side, returnable within two weeks.

List the MA for hearing on 13.02.2003.


(Dr. A. Vedavalli)
Member (A)

/vv/

MA for S. O. 920
Notice issued
AO directed
Reply to MA a/c filed