

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(2)

OA No. 3200/2001

New Delhi, this the 27th day of the November 2001

HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Shri J.P. Singh
Assistant Engineer (Civil)
Delhi Development Authority
New Delhi

Presently :

Additional Private Secretary
to the Honourable Minister of Coal & Mines
Government of India
New Delhi.

... Applicant

(By Advocate: Mrs. Meenu Mainee)

V E R S U S

Union of India : Through

1. The Secretary
Ministry of Railway,
Rail Bhawan,
New Delhi.
2. The Pay and Accounts Officer/E.W.
Delhi Development Authority,
1st Floor, Vikas Minar,
New Delhi.

... Respondents

ORDER (ORAL)

Mrs. Meenu Mainee, learned counsel of the applicant, heard.

2. The applicant is an Assistant Engineer (Civil) with DDA, New Delhi. Vide Annexure A-1, dated 15.7.1996, the applicant was appointed as Additional Private Secretary to Minister for Railways on usual terms of deputation in the grade of Rs.3000-4500 with effect from the afternoon of 3.6.1996 initially for a period of one year, and he continued to function as such up to 29.5.1998. — — — — — The applicant's

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deputation was governed by the terms and conditions contained in Annexure A-3 dated 30.8.1996. The learned counsel drew my attention to the following term in particular:-

8. "He will continue to be governed by the leave and retirement benefits applicable to him under his parent department. (The incidence of leave salary and retirement benefits will be regulated in terms of the Ministry of Finance Office Memorandum No.F.2 (117)/72/SC dated 26.12.1977 circulated under Ministry of Railways letter No.F (E) II/77/IN3/1 dated 15.3.1978."

3. The learned counsel mentioned that the applicant made a representation on 16.9.2001 to the Secretary, Ministry of Railways, i.e., respondent No.1 for payment of leave salary and pension contribution for the period of his deputation. A legal notice (Annexure A-5) dated 9.1.1999 was also served on respondent No.1. — — —
The parent organisation of the applicant, namely, DDA had also sent communications dated 18.7.1998 and 18.5.2001 Annexure A-4 and Annexure A-7 respectively to the respondents as regards applicant's leave salary contribution and pension contribution for the period while he was on deputation with them. It is alleged that the Railways have not responded to the representation/legal notice of the applicant and communications of DDA.

4. Having regard to the claims made by the applicant, in my view, interest of justice will be duly met by disposing of this OA at this stage itself even without issuing notices to the respondents requiring them to dispose of applicant's representation dated

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16.9.2001 (Annexure A-6) by passing a reasoned and speaking order within a period of two months from the date of communication of these orders. On remaining aggrieved, the applicant shall have the liberty to seek remedy in the Court afresh.

5. The OA is disposed of in the abovesated terms.

6. Registry is directed to send a copy of this OA along with this order to the respondents.

V.K. Majotra
(V.K. MAJOTRA) 27.11.2001
MEMBER (A)

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