

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1549/1997

This the 24th day of July, 1997.

(A)

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI N. SAHU, MEMBER (A)

B. R. Sethi,  
138, Rajdhani Enclave,  
Delhi-110092.

... Applicant

( By Shri M. S. Ganesh, Senior Counsel with Shri K. B.  
S. Rajan and Mrs. Pushpa Rajan, Advocates )

- Versus -

1. Union of India through  
the Secretary,  
Ministry of External Affairs,  
South Block,  
New Delhi-110011.

2. Secretary,  
Ministry of Finance,  
Department of Expenditure,  
South Block,  
New Delhi-110011.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal,

Heard the learned counsel for the applicant on  
admission.

By this application, the applicant wants a  
direction to the respondents to refund him certain  
amounts recovered in excess of the amount that worked  
out on correct calculation of the exchange rates of  
Indian currency with certain foreign currency. The  
claim relates to the year 1984. The basis of the  
claim is the judgment delivered by this Tribunal in  
O.A. No. 1178/1988 decided on 30.11.1993. On being  
questioned why the Tribunal should show indulgence in

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a matter or dispute relating to the year 1984, the learned counsel submitted that a representation was made to the respondents and that representation has not so far been decided.

The representation appears to have been made on 18.3.1994, that is, virtually after expiry of a period of about ten years from the date of recovery. Pendency of such representation would not give any right to the applicant to claim extension of the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. Even Section 21 of the Act says that if representation is not decided within a period of six months, an employee may come to the Tribunal within a period of 18 months, that is, after adding a further period of six months in the period of limitation of one year prescribed under the Act. On that basis also, the application is squarely barred by time.

The learned counsel then submitted that at least a direction be given to the respondents to dispose of the pending representation of the applicant within a reasonable time. We do not wish to create a right in favour of the applicant indirectly by directing the representation to be decided within a specified period. However, we do hope that if the representation is pending, that shall be decided expeditiously, one way or the other, by the

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respondents. We also hope that after taking a decision on the pending representation of the applicant, he shall also be informed about the decision on his representation.

Subject to the observations aforesaid, this application is hereby summarily dismissed.



( K. M. Agarwal )  
Chairman



( N. Sahu )  
Member(A)

/as/