

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * * *

O.A. NO. 1438/1991

DATE OF DECISION 27.11.91

SHRI S.R. BANTWAL

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

SHRI KAUSHAL KUMAR, HON'BLE VICE-CHAIRMAN

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT.

...SHRI D.C. VOHRA

FOR THE RESPONDENTS

...SHRI P.H. RAMCHANDANI

JUDGEMENT

(DELIVERED BY SHRI KAUSHAL KUMAR, HON'BLE VICE-CHAIRMAN)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the relief claimed by the applicant is for a direction to the respondents for issuing orders promoting him to the post of Senior DDG (BW) against which he had actually been working since 1.7.1990. The applicant has already retired on attaining the age of superannuation on 30.6.1991. The learned counsel for the applicant, Sh.Vohra states that he would not be filing any rejoinder.

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2. The respondents in their reply have stated at p-4 in para-7 as follows :-

"It is submitted that Shri Batwal discharged the current duties of Sr.DDG (BW) from 1.7.1990 to 30.6.1991, i.e., till the date of his retirement with the specific express condition that he will not get any extra remuneration. Since he accepted the position, he is not entitled to any remuneration for performing these current duties. However, soon after the regularisation of his appointment in SAG Level I, a proposal is under consideration for giving him the benefit of appointment as Sr.DDG (BW) for the period from 1.7.1990 to 30.6.1991...."

3. The learned counsel for the applicant has relied on the provision in FR-49 regarding the applicant's claim for being given the actual remuneration and pay scale of Sr.DDG(BW) although he has been holding only current charge of the said post. Having heard both the learned counsel, we would not like to give any direction as such in the present case. However, since the reply filed on behalf of the respondent indicates that the matter is under consideration, we dispose of the present application with the observation that the prayer made by the applicant ~~shall~~ be sympathetically considered by the respondents and a decision may be taken within the

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next 3 months. The parties to bear their own costs. A copy of the order be given dasti to the learned counsel on both sides.

J.P. Sharma

(J.P. SHARMA)
MEMBER (J) 27/11/91

Kaushal Kumar

(KAUSHAL KUMAR)
VICE CHAIRMAN