

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA NO.3978/2015

New Delhi this the 30th day of October, 2015

HON'BLE MR. JUSTICE B.P. KATAKEY, MEMBER (J)
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Anurag Vardhan,
Aged about 47 years,
S/o Sh. Harsh Vardhan,
R/o Flat No.712, Tower-5,
Silver City Apartment,
Sector-93A, NOIDA (UP),
(Presently working as Dy. Commissioner of
Income Tax, Delhi)

...Applicant

(By Advocate: Mr. S.K. Gupta)

VERSUS

Union of India through

1. Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
3. Director General of Income Tax (Vig),
Dayal Singh Library,
1, Deen Dayal Upadhyay Marg,
Delhi-110002.

...Respondents

(By Advocate: Mr. Gyanender Singh)

:ORDER (Oral):

HON'BLE MR. JUSTICE B.P. KATAKEY, MEMBER (J):

Heard Mr. S.K. Gupta, learned counsel appearing for the applicant at the admission stage.

2. The applicant has filed present application seeking a direction to the respondent-authority to consider his representations dated 31.12.2014 and

02.02.2015 for payment of the differences of salary for the period of suspension i.e. from 23.05.2003 to 22.05.2008. The learned counsel for the applicant has submitted that though the aforesaid two representations have been filed for release of the full salary for the aforesaid period of suspension of the applicant, who has been reinstated in service vide order dated 22.05.2008 by revoking the order of suspension, no decision has been taken by the respondent-authority despite the mandate given by FR-54B of the Fundamental Rules. The learned counsel therefore submitted that the OA may be disposed of with the direction to the respondents to decide the aforesaid representations filed within a reasonable period of time and having regard to the provisions contained in FR-54B.

3. The learned counsel appearing for the respondents submits that the applicant has filed the present OA in the year 2015 claiming differences of salary for the period 23.05.2003 to 22.05.2008 after a delay of about seven years. The learned counsel for respondents, however, submitted if the aforesaid representations have not been disposed of till date, the same shall be given due consideration of and necessary order would be passed in accordance with the law.

4. The learned counsel appearing for the applicant, in respect of the submission made by the learned counsel appearing for the respondents, submits that since the applicant was acquitted by the Criminal Court in two criminal cases on 25.11.2014 and 22.01.2015, it cannot be said that the claim of the applicant is barred by time. Further, according to the learned counsel, it is the duty of respondent-authority to give the employee whatever is due and payable and hence the respondents cannot be allowed to take the plea of limitation.

5. Be that as it may, since according to the applicant, the aforesaid two representations are still pending, which require consideration in view of the provision contained in FR-54B (3), we dispose of the OA directing the respondents to consider the said representations in accordance with law and pass necessary speaking order within a period of two months from the date of receipt of a copy of this order. Needless to say that if the said representations have already been considered and disposed of, a copy of the order passed therein shall be communicated to the applicant.

6. The OA is, accordingly, disposed of. No costs.

(K.N. Shrivastava)
Member (A)

(B.P. Katakey)
Member (J)

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