

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No. 020/1235/2018**

**Date of Order: 19.12.2018**

Between:

Kesava Panda, S/o. Parasuram Panda,  
Aged 57 years, Working as Assistant Commissioner of Labour,  
Circle II, Visakhapatnam – 530 016.

...Applicant

And

1. The Development Commissioner,  
VSEZ (Visakhapatnam Special Economic Zone),  
Duvvada, Visakhapatnam – 530 046.
2. Union of India, Rep. by  
The Secretary to Government of India,  
Ministry of Commerce & Industries,  
Udyog Bhavan, New Delhi.

...Respondents

Counsel for the Applicant ... Mr. M. Kesava Rao  
Counsel for the Respondents ... Mr. V. Vinod Kumar, Sr. CGSC

***CORAM:***

***Hon'ble Mr. B.V. Sudhakar*** ... ***Member (Admn.)***

***ORAL ORDER***

***{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}***

The OA is filed for rejecting the case of the applicant for payment of arrears of salary as per VII CPC.

2. Brief facts of the case are that the applicant is working for the respondent organization as Assistant Commissioner of Labour, Visakhapatnam. The applicant's pay was fixed at Rs.25,045/- with Grade Pay of Rs.4600/- in VI CPC by the Senior Accounts Officer & HOO of Visakhapatnam Special Economic Zone, Visakhapatnam coming under the jurisdiction of the Ministry of

Commerce. The applicant submits that when the VII CPC came into force w.e.f. 01.01.2016, the applicant was asked to opt for VII CPC and accordingly, he opted for the same vide his option dt. 03.08.2016. On 08.09.2016, the applicant was relieved of his duties as Assistant Development Commissioner (Labour), Visakhapatnam Special Economic Zone. However, the applicant was paid salary as per old rates and his pay was not paid as per VII CPC though he worked till 08.09.2016 in the respondent organization. Aggrieved over the same, the applicant represented on 19.12.2016, 27.03.2017, 07.09.2017 and 22.01.2018. In response to his representation dt. 22.01.2018, the 2<sup>nd</sup> respondent directed the 1<sup>st</sup> respondent to forward the same to the concerned department for taking appropriate action vide letter dt. 10.05.2018.

3. The contention of the applicant is that the 1<sup>st</sup> respondent has misinterpreted the OM No.12/02/2016-Estt.(Pay-I) dated 11.05.2017 and rejected his claim vide letter dated 01.05.2018. Against the rejection by the 1<sup>st</sup> respondent, the applicant preferred an appeal to the 2<sup>nd</sup> respondent. The request of the applicant is that his representation has to be dealt with by the 2<sup>nd</sup> respondent and hence, forwarding the same again to the 1<sup>st</sup> respondent will not yield any result and being the appellate authority the 2<sup>nd</sup> respondent has to necessarily dispose of the appeal and not the 1<sup>st</sup> respondent. The loss incurred by the applicant in the process of wrong fixation is Rs.87,477/-.

4. Heard learned counsel for both sides and perused the documents on record.

5. The plea made by the learned counsel for the applicant is that the appeal made by the applicant on 02.07.2018 has to be necessarily gone through and the issue has to be decided by the 2<sup>nd</sup> respondent. It is not proper for the 2<sup>nd</sup> respondent to send his appeal once again to the 1<sup>st</sup> respondent who has already

decided the issue and rejected his request. The request of the applicant has to be considered on grounds of principles of natural justice. It is the appellate authority who has to go through the representation and decide the issue.

6. In the present case, the appellate authority is the 2<sup>nd</sup> respondent. Learned counsel for the applicant has stated that it would suffice if the representation is considered and disposed by the 2<sup>nd</sup> respondent. Learned counsel for the respondents has also agreed for the same.

7. In view of the said facts, the 2<sup>nd</sup> respondent is directed to dispose of the representation/ appeal of the applicant dt. 02.07.2018 within a period of three months from the date of receipt of this order.

8. OA is accordingly disposed of at admission stage, with no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 19<sup>th</sup> day of November, 2018

*evr*