

**Ramesh Kumar Vs. Delhi Development Authority Through Chairman and Others**

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**Court :** Central Administrative Tribunal CAT Delhi

**Decided On :** Mar-15-2012

**Judge :** The Honourable Mr. M.L. Chauhan, Member (J) & the Honourable Mrs. Manjulika Gautam, Member (a)

**Appeal No. :** OA NO.812 of 2011

**Appellant :** Ramesh Kumar

**Respondent :** Delhi Development Authority Through Chairman and Others

**Advocate for Pet/Ap. :** For the Applicant: Yogesh Sharma, Advocate. For the Respondents: Karunesh Tandon, Advocate.

**Judgement :**

ORAL:

M.L. CHAUHAN, MEMBER (J):

1. The grievance of the applicant in this case is that his pay has not been fixed in the pay scale of Rs.750-940 w.e.f. 19.9.1989 i.e. when his services were regularized and further that the respondents have also not paid pay and allowances w.e.f. 19.9.1989 to 18.3.1999. For that purpose, reliance has been placed by the applicant on the letter dated 24.02.2008 (Annexure A/2)

2. Respondents have filed reply. In the reply, respondents have stated that there appears to be typographical/clerical error in the letter dated 24.02.2008 in which the CPIO/APIO has allegedly stated that the file bearing no.F.1(8)83/PB-IV/+3 was sent to AO/NG-III on 09.10.2007 after approval (instead of FOR APPROVAL) of the competent authority, Commissioner (Personnel) for making payments of arrears due for the period i.e. 1989-1999. It is stated that this letter dated 24.02.2008 is in contravention to the actual records and hence, cannot be relied upon in as much as the issue of break in service period of the applicant is yet to be decided, since no attendance record of official concerned is available in the office.

3. In view of the stand taken by the respondents in the reply affidavit, disputing the period regarding eligibility of applicant for payment of pay and allowances for the period 19.09.1989 to 18.03.1999 consequent upon regularization of service of the applicant w.e.f. 19.9.1989, we are of the view that directions can be given to the respondents to decide the matter in controversy within a fixed time frame.

4. Accordingly, respondents are directed to decide the aforesaid issue within a period of two months from the date of receipt of a copy of this order. Needless to add that in case applicant is still aggrieved by the order to be passed by the respondents, it will be open for him to file substantive OA. We may also observe that we have not gone into the merits of the case and that the order has been passed on the basis of submissions recorded above.

OA shall stand disposed of. No costs.

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