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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2584/2002
M.A.NO. 337/2003

Tuesday, this the 22nd day of April, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

1. P. Prasad, Senior Auditor
s/o Late Kedarnath
r/o Quarter No.15
Sector-2, Sadique Nagar
New Delhi-49
 2. S.K.Singh, Senior Auditor
s/o Late Jagannath Pd. Singh
 3. S.P.Singh, Senior Auditor
 4. Rajesh Gulati, Senior Auditor
s/o Late R.N.Gulati
 5. Rajesh Bhasin, Senior Auditor
s/o Late S.K.Bhasin
- (All are working at C.D.A. (B.R.) New Delhi
..Applicants
(By Advocate: Shri Neeraj Shekhar)

Versus

1. Union of India & Ors.
Ministry of Defence
through its Secretary
South Block, New Delhi
 2. The Financial Advisor (D.S.)
Ministry of Defence
South Block, New Delhi
 3. Controller General of Defence Account
West Block-5
R.K.Puram, New Delhi-66
 4. Controller of Defence Account
Border Roads Organization
Kashmir House, New Delhi-1
- ...Respondents
(By Advocate: Shri M.M.Sudan)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

In this Original Application, the applicants have filed MA-337/2003 for condonation of inadvertent delay of 133 days on the part of the applicants in re-filing the OA, which was originally filed in the registry on

18/2

(2)

23.9.2002 and re-filed on 11.2.2003. Shri M.M. Sudan, learned senior counsel for respondents has fairly submitted that apart from the application for condonation of delay arising on the re-filing of the OA after 133 days, the OA itself is highly belated. He has submitted that the applicants are relying on the judgment of the Tribunal (Guwahati Bench) dated 19.1.2001 in OA-85/2000 while the OA itself has been filed on 23.9.2002, after more than one year and eight months. Learned senior counsel has also drawn our attention to the Office Memorandum dated 28.2.2003 issued by the Govt. of India, Ministry of Finance & Company Affairs (Annexure R-1) to their reply to MA-337/2003. He has also submitted that a number of similar petitions had been filed in various Benches of the Tribunal and the Govt., therefore, has taken a policy decision in the matter with regard to fixation of pay scales of the staff belonging to Organised Accounts Departments. Admittedly, the applicants belong to this category as Senior Auditors. It is seen from OM dated 28.2.2003 that the Govt. of India has approved the grant of higher pay scales for the Accounts staff of Railways on notional basis w.e.f. 1.1.1996 with actual payments being made ~~prospectively~~ *prospectively* ¹⁸⁻ keeping in view the pay scales in corresponding categories in various Organised Accounts cadres. Paragraph 2 of the OM gives the details of pay scales applicable to the various categories of staff in that cadre.

2. In view of the aforesaid recent OM issued by the Govt. of India, Ministry of Finance & Company Affairs on

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(3)

the subject of "Pay scales for the staff belonging to the Organised Accounts Departments" and the nature of reliefs prayed for by the applicants in the OA, we are of the considered view that the major portion of the reliefs have already been met with. Learned counsel for applicant has submitted that this has, however, not been done with retrospective effect but that is a matter which the applicants can agitate, if they wish to, in accordance with law, if so advised. However, it is pertinent to note that the OM dated 28.2.2003 itself refers to the grant of higher pay scales for staff belonging to the Organised Accounts Departments, such as the applicants, which have been upgraded on notional basis w.e.f. 1.1.1996 with actual payments being made from 19.2.2003, i.e., the date on which the decision has been approved by the Govt. of India.

3. In view of what has been stated above, we find no good grounds to justify proceeding further in this matter, as the aforesaid OM has not been challenged in the present OA. OA is accordingly dismissed. No costs.

(Govindan S. Tampi)
Member (A)

/sunil/

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)