

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.210/00852/2019**

**Dated this Friday, the 20<sup>th</sup> day of December, 2019**

***CORAM: R.VIJAYKUMAR, MEMBER (A)***

1. Rajneesh Kumar, Aged about 37 years,  
Presently working as : Assistant Audit Officer,  
In the Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521, and  
presently residing at: Quarter No.4, Type III, Audit Bhavan,  
Alto Porvorim, Goa 403 521.
  2. Rajiv Gandhi, Aged about 34 years,  
Presently working as Assistant Audit Officer,  
In the Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521, and  
presently residing at : Quarter No.3, Type III, Audit Bhavan,  
Alto Porvorim 403 521.
  3. Ashish Kumar Sinha, Aged about 35 years,  
Presently working as : Assistant Audit Officer,  
In the Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521, and  
presently residing at : BG-1, Kamson Residency,  
Alto Porvorim, Goa 403 521.
  4. Vikas Kumar Pandey, Aged about 35 years,  
Assistant Audit Officer, in the office of the  
Principal Accountant General, Goa, Audit Bhavan,  
Alto Porvorim, Goa 403 521.
- (All the applicants from Sr. Nos.1 to 4 are working in the office of  
Principal Accountant General (Respondent No.2). .. ***Applicants***  
***(By Advocate Shri R.G.Panchal)***

**VERSUS**

1. Comptroller and Auditor General of India,  
9, Dindayal Upadhyay Marg, New Delhi 110 124.
2. Principal Accountant General, Office of the Accountant General,  
Goa, Audit Bhavan, Alto Porvorim, Goa 403 521.
3. Smt. S. Jaishri, Audit Officer, /  
Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521.
4. Smt. Deepa F. Vaz, Assistant Audit Officer,  
Office of the Principal Accountant General, Goa,

Audit Bhavan, Alto Porvorim, Goa 403 521.

5. Shri George Vargheese, Assistant Audit Officer,  
Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521.
6. Smt. Shobha Harikumar, Assistant Audit Officer,  
Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521.
7. Smt. B.G. Afonso, Assistant Audit Officer,  
Office of the Principal Accountant General, Goa,  
Audit Bhavan, Alto Porvorim, Goa 403 521.

(All the Respondents from Sr. Nos.3 to 7 are working in the office of  
Respondent No.2) ... *Respondents*

### ORDER (Oral)

This application has been filed on  
22.11.2019 under Section 19 of the  
Administrative Tribunals Act, 1985 seeking the  
following reliefs:

“8.a. The directions be issued to Respondents No.1 and 2 to extend the benefit of decision of delinking the seniority from the confirmation to the Applicants. The seniority of the Applicants be reckoned from the date following the date of last paper of SAS examination in which they have been declared successful.

8.b. The impugned promotion orders of respondent No.3 dated 02.04.2018 be also quashed/set aside.

8.c. That directions be issued to respondents nos.1 and 2 to consider the case of the applicants No.1 and 3 for promotion to the post of Audit Officer from the date junior respondents no.3 was promoted with all consequential benefits.

8.d. In the interest of justice, Hon'ble Tribunal will be pleased to pass such other orders or relief as deemed fit and proper in the facts and circumstances of the case in the favour of the applicants.

8.e. The cost of this application be awarded to the Applicant.”

2. The applicants are essentially seeking

the benefit of the circular issued by the respondents on 21.11.2016 to their cases instead of the extant circular instructions of 04.11.1992 (Annexure A-6). The applicants have not enclosed the said circular of 21.11.2016 with this OA which comprises part of the argument. Therefore, the OA is incomplete. Further, Annexure A-3 is also not complete with missing pages which should have been detected by the Registry. The upgradation list was published on December, 2015 effective on March, 2015 and the applicants have submitted separate representations, which has not been enclosed, on 22.12.2015, 21.06.2016 and 22.06.2016 and no representation has apparently been filed by the applicant No.4. No reply has been received on the representations filed by the applicants Nos.1 to 3 and there is no letter to applicant No.4 who never filed a representation.

3. The learned counsel for the applicant seeks permission to withdraw the present OA with liberty to file a better formulated OA.

4. In the circumstances, the OA is dismissed as withdrawn with liberty as above

*(R. Vijaykumar)*  
*Member (Administrative)*

kmg\*

