

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.1806/88

Date of decision: 26.08.1993.

Shri R. Raman

...Petitioner

Versus

Union of India through the
Secretary, Ministry of
Finance, New Delhi & Ors.

...Respondents

Coram:-

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)
THE HON'BLE MR. B.S. HEGDE, MEMBER (J)

For the petitioner Shri E.X. Joseph, Counsel.

For the respondents None

JUDGEMENT (ORAL)
(HON'BLE MR. I.K. RASGOTRA, MEMBER (A))

In this petition filed by Shri R. Raman under Section 19 of the Administrative Tribunals Act, 1985, he has prayed for the following reliefs: -

- i) Order dated 3.5.1988, conveying the Government of India's decision rejecting the claim of the Audit Officers to keep them at a higher level than the Accounts Officers be struck down and set aside.
- ii) The Audit Officers be continued in the higher scale of pay as envisaged in the scheme of restructuring of the Indian Audit & Accounts department (IAAD) w.e.f. 1.3.1984.
- iii) Order withdrawing the special ad hoc allowance of Rs.100 per month granted to the Audit Officers issued by the Ministry of Finance on 22.9.1986 be declared as illegal, discriminatory and violative of Articles 14 and 16 of the

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Constitution of India. There is a further prayer that the special ad hoc allowance of Rs.100 per month be restored to the petitioner from 1.3.1984 to 1.1.1986.

The facts of the case briefly are that the petitioner was appointed as Accounts Officer (Rs.840-1200 pre-revised) in the office of the respondents. The Comptroller and Auditor General introduced a scheme of restructuring in IAAD w.e.f. 1.3.1984. The scheme stipulated separation of the audit work from the accounts works. Those who were kept in the audit wing were given higher scale of pay/given special ad hoc allowance, pending receipt of recommendations of the Fourth Central Pay Commission. The officers on the accounts side were given a lower scale of pay/no special ad hoc allowance. The restructuring of IAAD in Audit Wing and Accounts Wing was founded on the assumption that duties on the audit side are more onerous and, therefore, the officers in Audit Wing deserve higher compensation. The Fourth Central Pay Commission dealt with this aspect and in its report observed as under: -

"10.518. The Third Pay Commission recommended common scales of pay for various categories of posts in the IAAD without distinction between accounting and audit work. However, with effect from March 1, 1984, there has been a restructuring of IAAD into two separate cadres - audit cadre and accounts and establishment cadre. This was done because the duties and responsibilities of the staff engaged on statutory were considered more important. While the staff in

the audit wing has been given higher pay scales, the remaining staff on the accounts side continue to be on the same pay scales as were applicable prior to separation of cadres.....

10.519. In the revised set up, about 86 per cent of the posts of accounts officer, 81 per cent of section officer and 59 per cent of the UDC have been taken to the Audit Wing. All posts of accounts officer in that wing (redesignated as Audit Officer) have been given an ad hoc special allowance of Rs.100/- in addition to the pay scale of Rs.840-1200.....

10.520. The existing pay scales of posts in IAAD, both in the audit and accounts wings conform to the pay scales discussed in chapter 8. The scales of pay recommended there will apply to these posts

Audit officers have been allowed a special ad hoc allowance of Rs.100/- per month by government in September, 1985 pending our report. We do not find adequate justification for continuance of this allowance with the revised scales of pay recommended by us."

From the above it is apparent that the Fourth Central Pay Commission had studied the scheme of restructuring in depth and did not favour the distinction introduced between Audit work & Accounts work by the restructuring scheme. The report of the Fourth Central Pay Commission came into force w.e.f. 1.1.1986. Since the pay scales/special ad hoc allowance have been considered by the Pay Commission and are the subject matter of specific recommendations by an expert body, there is no justifiable reason for us to go into this matter at this stage. We also find that identical issues of law and of fact had been raised in OA-1905/88 N.K. Srivastava

& Anr. Vs. Union of India & Ors. In the judgement rendered on 8.1.1993, the Tribunal rejected similar claims as made by the petitioner herein. There is another judgement rendered by the Principal Bench in the case of S.R. Gupta and Ors. Vs. Union of India OA-1903/88 decided on 5.4.1991 where too identical issues of law and of fact were raised and the reliefs claimed by the petitioners were rejected.

In view of the above facts and circumstances of the case, we are of the opinion that the matter stands already concluded by the judgements rendered in N.K. Srivastava (supra) and S.R. Gupta (supra) cases. There is no material before us which would persuade us ^{to} deviate from the judgements already rendered in identical cases. The O.A. accordingly fails and is dismissed. No costs.


(B.S. HEGDE)

MEMBER(J)

San.


(I.K. RASGOTRA)

MEMBER(A)