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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-660/86.

Date of decision 15-5-89

Ujagar Singh

.....Applicant.

Versus

Director of Audit, Northern Railway,
New Delhi.

.....Respondent.

For the Applicant ...

Applicant in person.

For the Respondent ...

Sh. P.H. Ramchandani, Advocate.

CORAM:

HON'BLE SHRI P.K. KARTHA, VICE CHAIRMAN (J).

HON'BLE SHRI M.M. MATHUR, ADMINISTRATIVE MEMBER.

1. Whether the Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?

(Judgement of the Bench delivered by Hon'ble
Shri M.M. Mathur, Administrative Member)

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The applicant who ^{was} ~~is~~ a permanent Selection Grade Auditor in the office of Director of Audit, Northern Railway, New Delhi was working as Supervisor in that office w.e.f. 29.8.83. He has filed this application under Section 19 of the Administrative Tribunals Act, 1985 against impugned order of the respondents dated 9.8.85 reverting him from the post of Supervisor to the post of Selection Grade Auditor w.e.f. 9.8.85.

2. The brief facts of the case are as follows.

The applicant joined the office of respondent as U.D.C. on 3.5.1955 and was promoted as a Selection Grade Auditor on 23.10.67 in which post he was confirmed. Due to shortage of qualified SRAS personnel he was promoted as a Supervisor in the Section Officers' scale of Rs. 500-900 w.e.f. 29.8.83 as a temporary stop gap arrangement.

3. Under the Govt. of India's orders a Scheme of
of
restructuring the Cadres in the Indian Audit & Accounts Department

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was introduced w.e.f. 1.3.84. The details of the scheme are contained in the Manual of Instructions for Restructuring of Cadres in IAAD issued by the Comptroller & Auditor General of India. According to this scheme the combined Audit & Accounts Offices were re-organised into two separate offices viz.

(i) Accounts & Entitlement Offices; and (ii) Audit Offices.

The pay scales approved by the Govt. of India for the staff in the Audit Offices were as follows:-

"Auditors	20% Rs. 330-560
	80% Rs. 425-800 (vide Para 3.16.5)
Section Officers	20% Rs. 500-900
	80% Rs. 650-1040 (vide para 3.16.5)"

4. Para 3.3.5 of Manual of Instructions provides that:-

"In already separated Audit Offices 80% of the section officers' posts and 80% of the auditors' posts shall be made available in the higher scales (Rs. 650-1040) and (Rs. 425-800) to the existing section officers and auditors in the total existing sanctioned strength. Existing supervisors shall be adjusted to the extent of 20% of section officers' post in the scale of Rs. 500-900 in separated Audit Offices. This would be purely personal to them."

5. In reply to a reference made by the respondent, it was clarified by the Comptroller & Auditor General of India vide his letter dated 1.6.1984 that "supervisors cannot be allowed to continue as such in Audit Offices, if Section Officer Grade Examination pass qualified officers are awaiting promotion. If staff have passed S.Os Grade Examination, the Supervisors are to be reverted as their appointments were only temporary as stop gap arrangement."

6. In pursuance of the above decision of the C.A.G. of India, the applicant was reverted to the erstwhile

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post of Selection Grade Auditor w.e.f. 9.8.85 in the office of the Respondent. Being aggrieved by his reversion the applicant made a representation to the Respondent on 1.8.85 in reply to which he was informed vide letter dated 29.8.85 that his reversion was in accordance with the directive of the C.A.G. of India. The applicant once again submitted a representation on 30.9.85 addressed to the C.A.G. of India — which was turned down with the following observations:-

"In this connection you are informed that the provision in Manual of Instructions for restructuring of cadres in IA & AD under para 3.3.5 is intended only for the period upto which no qualified staff becomes available in Audit Offices to man the post of S.O.'s (Audit) temporarily held by supervisors on 29.2.84. The liability of supervisors in Audit Offices to be reverted on qualified persons becoming available stands.

Accordingly, the supervisors in Audit Offices will have to be reverted as and when qualified staff become available in accordance with the terms and conditions of their appointment as Supervisors as shown in their appointment orders." (vide his letter dated 21.2.86).

7. The main contention of the applicant is that in accordance with Para 3.3.5 of the Manual of Instructions he was adjusted as Supervisor against 20% of the Section Officers posts as a purely personal concession and, therefore, his reversion from that post was irregular. The respondents have argued that in the orders of promotion dated 22.8.83, the applicant had been clearly informed that his appointment as Supervisor was "purely a temporary stop gap arrangement and he will be reverted as and when qualified hands become available." This position was made amply clear by the C.A.G. of India in his letter dated 1.6.84 addressed to the Respondent, Para No. 2 of which states as follows:-

"It may, however, be stated here that Supervisors cannot be allowed to continue as such in Audit Offices if

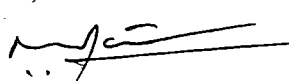
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Section Officer Grade Examination passed qualified hands are awaiting promotion. If staff have passed Section Officer Grade Examination the Supervisors are to be reverted as their appointments were only temporary and stop gap arrangement."

8. We have carefully gone through the records of the case and have heard the learned counsel of both sides. The applicant has not put forward any other arguments in favour of his claim except that according to Para 3.3.5 of the Manual of Instructions issued by the C.A.G. of India, his retention as Supervisor in the office of the Respondent was purely personal to him and, therefore, he could not be reverted from that post. After carefully considering the entire Scheme of the restructuring of the Cadres in the IAAD and the subsequent clarifications issued by him from time to time, we are of the opinion that the personal protection provided in para 3.3.5 of the Manual to the existing Supervisors in the separated Audit Offices was intended to be only as a purely temporary arrangement till such time when S.O.G. exam. qualified persons become available. The promotion of the applicant as Supervisor with effect from 29.8.83 was also subject to the clear condition that he will be reverted as and when qualified hands become available.

9. In view of the facts and circumstances of the case, we do not find any legal infirmity in the reversion of the applicant to his permanent post of Selection Grade Auditor w.e.f. 9.8.85 as ordered by the Respondent. Accordingly, the application is dismissed without any order as to costs.


(M.M. MATHUR)
ADMINISTRATIVE MEMBER


(P.K. KARTHA)
VICE CHAIRMAN (J)