

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1031/90

Date of decision: 13.04.1992

Shri Rajesh Kumar

...Applicant

Vs.

Comptroller and Auditor General of India ...Respondents

For the Applicant

... Shri P.L. Mimroth,  
Counsel with  
S/Shri P.M. Ahlawal  
and E.X. Joseph,  
Counsel

For Respondent Nos. 1 to 4

... Shri M.L. Verma,  
Counsel

For Respondent No.5

... Shri K.C. Mittal,  
Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,  
Vice Chairman(J))

The applicant, who is presently working as an Audit Officer in the office of the Principal Director of Audit, Central Revenues, New Delhi, is aggrieved by his non-promotion as an Audit Officer when he was available for promotion on 1.1.1985 but was in fact promoted only on 13.9.1988. He belongs to the Scheduled Caste community and as such, claims the benefits available to the said community under the relevant instructions issued by the Government. Respondent No.5 (The Commission for SC/ST) has supported his claim. *Q*

2. The applicant was on deputation in the office of the Comptroller and Auditor General, New Delhi and worked there as Assistant Administrative Officer from 8.6.1983 to 12.9.1988.

3. We have gone through the records of the case carefully and have considered the rival contentions. It is well known that a scheme for departmentalisation of accounts was introduced in 1976 due to which, the office of the Accountant General, Central Revenue (AGCR) was bifurcated into Audit and Accounts. Accounts were transferred to the respective Ministries/Departments. Audit work remained in the AGCRs office. The office of the AGCR was changed as office of the Director of Audit, Central Revenues, New Delhi, where the applicant is working.

4. The applicant was promoted as Section Officer in 1979 and as Assistant Audit Officer in 1984. He completed 5 years of service in the grade of Section Officer/Assistant Audit Officer on 31.5.1984. He became eligible for the next higher post of Audit Officer on 1.1.1985.

5. The contention of the applicant is that as on 1.1.1985, there were 12 vacancies of Audit Officers reserved for SC/ST category as per the roaster point carried forward from 1981-82 to 1983-84. The respondents<sup>1 to 4</sup> however, closed the roaster with effect from 31.12.1984 and opened a new roaster with effect from 1.1.1985. That constitutes the grievance of the applicant.

6. As against the above, the stand of the respondents<sup>1 to 4</sup> is

QV

that a restructuring of the cadre took place in 1984 and a ~~not~~ policy decision was taken to operate the vacancies of SC/ST according to the old ~~roster~~ and that a new ~~roster~~ should be opened.

7. As a result of restructuring of cadres with effect from 1.1.1985 there had been a change in the feeder grade for promotion to the post of Audit Officer. After 1.1.1985, the promotion to the Audit Officers cadre was to be made only from the post of Assistant Audit Officer Group 'B' Gazetted. A Section Officer who has not been promoted as Assistant Audit Officer cannot be promoted as Audit Officer.

8. The respondents have also stated that the applicant was promoted in his turn on 13.9.1988 and 6 officers senior to him belonging to the SC/ST category were promoted as Audit Officers earlier to him. In our opinion, the closing of the old ~~roster~~ and the opening of the new ~~roster~~ with effect from 1.1.1985 in view of the restructuring of the cadres and the decision not to carry forward the vacancies earmarked for SC/ST category in view of such restructuring of cadres cannot be faulted on legal or constitutional grounds. We see no merit in the present application and the same is dismissed.

There will be no order as to costs.

B.N. Dhandiyal  
(B.N. DHUNDIYAL)  
MEMBER (A) 13/4/92

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