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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 89/90.

Date of decision. 3.6.94

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

R.V. Singh,
Senior Accountant,
Pay & Accounts Office,
Central Ground Water Board,
N.H. IV, Faridabad. ... Applicant

(By Advocate Shri Ashish Kalia)

versus

Union of India through

1. The Controller of Accounts,
Ministry of Water Resources,
Government of India,
'E' Wing', Shastri Bhavan,
New Delhi.

2. Pay & Accounts Officer,
Central Ground Water Board,
N.H. IV,
Faridabad. ... Respondents

Shri
(By Advocate Madhav Panikar)

O_R_D_E_R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant has filed this application under
Section 19 of the Administrative Tribunals Act, 1985
claiming that he should be granted the benefit of
promotion to the post of Functional Senior Accountant
from 1.4.1987 and not from 1.5.1989 when he was actually
promoted.

2. The brief facts of the case are that the applicant was appointed as Auditor on 28.5.1973. Subsequently, the designation of Auditor was changed to Junior Accountant, when the staff was allocated to Departmentalised Accounting Organisation with effect from 1.7.1976. Junior Accountant had to qualify in the SAS examination for promotion to the next grade of Senior Accountant. The Respondents vide their O.M. dated 31.8.1987 had ordered restructuring of Accounts Staff in the organized Accounts cadre which was to take effect from 1.4.1987. According to the applicant, since he had rendered more than 13 years of regular service in the grade of Junior Accountant and has also passed the departmental examination, he was entitled to the Functional Grade of Senior Accountant from 1.4.1987. He was promoted to the Functional Grade of Senior Accountant vide order dated 10.5.1989 with effect from 1.5.1989 which he has challenged in these proceedings.

3. The Respondents have denied that the applicant should be promoted as Senior Accountant with effect from 1.4.1987 because of adverse entries in his confidential reports for the years 1984 and 1985.

He had also been censured in April, 1987 due to preferring various medical bills amounting to Rs. 4,082.57 for reimbursement by submitting false documents and wrong residential addresses. In view of this, the D.P.C. had not found him fit for promotion in 1987. He had been given the promotion with reference to the confidential report for the year 1988 as a special case. They have also stated that the promotion from junior Accountant to Senior Accountant is on seniority-cum-fitness and since the D.P.C. had declared him unfit for promotion earlier, his promotion w.e.f. 1.5.1989 has been correctly given as a special case.

4. In the rejoinder filed by the applicant, the applicant had taken the plea that since the penalty of censure imposed on 28.4.1987 cannot have a retrospective effect, he ought to have been given promotion when due on 1.4.1987. He has also submitted that he had made representations against adverse remarks in the confidential reports for 1984 and 1985 on which a final decision has not been communicated to him. This has been denied by the Respondents inasmuch as they have replied to his representation vide replies placed at pages 16-18 of the counter

affidavit.

5. In the facts and circumstances of the case, we find no irregularity in the effective date of promotion to the post of Senior Accountant. The D.P.C. had not considered him fit for promotion earlier, but as a special case had considered his confidential reports again for 5 years and promoted him from 1.5.1989. The application is, therefore, dismissed. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

S.R. Adige
(S.R. Adige)
Member (A)