

(14)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 17th day of April 2002

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Original Application no. 1067 of 1997.

Rajendra Kumar,  
S/o Late Sri A.B. Lal Srivastava,  
R/o 156/129, Unchamandi, Allahabad.  
Presently posted as Accounts Officer,  
in the office of Chief Controller of Defence  
Accounts (Pension), Allahabad.

... Applicant

By Adv : Sri HS Srivastava

Alongwith

Original Application no. 884 of 1993.

Chamman Lal, S/o late Moti Lal,  
R/o 27, Sadar Bazar, Allahabad.

... Applicant

By Adv : Sri HS Srivastava

Alongwith

Original Application no. 663 of 1998.

Jiut Ram Gupta, S/o Late Nathuni Ram,  
R/o 198-B-3K, New Pura, Kareli,  
Allahabad.

... Applicant

By Adv : Sri HS Srivastava

Alongwith

Original Application no. 793 of 1998.

Rajendra Pratap Singh,  
S/o late Sri B.B. Singh,  
R/o Village South Kotwa,  
P.O. Jamunipur, Distt. Allahabad.

... Applicant

By Adv : Sri HS Srivastava

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Versus

1. Union of India through Secretary,  
Ministry of Defence (Finance), New Delhi.
2. The Financial Advisor, (Defence Services),  
Ministry of Defence (Finance), New Delhi.
3. The Controller General of Defence Accounts,  
West Block - V, R.K. Puram, New Delhi.
4. The Chief Controller of Defence Accounts,  
(Pensions), Draupadighat, Allahabad.

... Respondents in  
OA no. 1067/97,  
OA no. 884/93 &  
OA no. 793/98

By Adv : Km Sadhana Srivastava (OA no. 1067/97)  
Sri G.R. Gupta (OA no. 884 of 1993)  
Sri S.Mandhyan (OA no. 793 of 1998)

And

1. Union of India, through the Secretary,  
Ministry of Defence (Finance), New Delhi.
2. The Controller General of Defence Accounts,  
West Block-V, R.K. Puram, New Delhi.
3. The Controller of Defence Accounts,  
Border Road, Kashmir House,  
Raja Ji Marg, New Delhi.
4. The Controller of Defence Accounts,  
Udyan Vihar, Naranga, Guwahati.

... Respondents in  
OA no. 663/98

By Adv : Km S. Srivastava

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By these OAs filed under section 19 of the AT Act, 1985, the applicants have prayed for suitable order or direction to the respondents to consider the case of the

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applicant, and take action to promote ~~to~~ the applicant to the grade of Senior Accounts Officer from 1.10.1996, the day <sup>They</sup> ~~his~~ junior, Sri M.I. Khan and others, were promoted with all consequential benefits as provided in OM dated 22.9.1992. The date of promotion claimed ~~is~~ different in respects of the applicants.

2. Sri H.S. Srivastava, learned counsel for the applicant has placed before us the copy of the order dated 29.11.2000 passed in OA 808 of 1997 in which similar controversy was <sup>involved</sup> ~~ordered~~ and decided by this Bench and the applicants were found entitled for the relief.

3. Km Sadhana Srivastava, learned counsel for the respondents, however, submitted that the criterion adopted by the D.P.C. for promotion to Senior Account Officer was in accordance with the guidelines contained in <sup>D.P.C.</sup> ~~DP~~ and OM no. 22011/5/56-Estt (D) dated 10.4.1989 for promotion to the Senior Account Officer grade, <sup>in</sup> ~~in~~ seniority cum fitness. It is submitted that there was no discrimination and the department was proceeding according to guidelines provided in the OM.

4. We have considered the submission of learned counsel for the parties. However, since a Division Bench of this Tribunal has already considered the controversy and has given the judgment. after considering the circular dated 22.9.1992 and the applicants were found entitled for relief, in our opinion the applicants are entitled for the same relief. The Division Bench passed

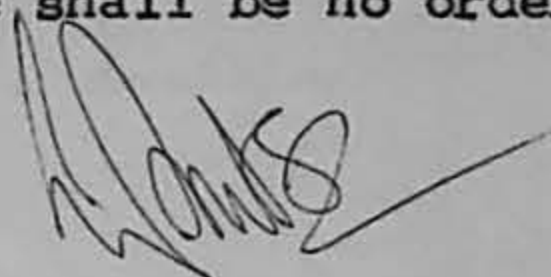
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the following order :-

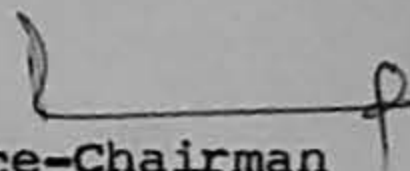
"The OA is accordingly allowed. Respondents are directed to consider the claim of the applicant afresh for promotion in the light of the observation made in the order. If the applicant is found entitled for promotion consequential benefits shall also follow. This order shall be complied with, within a period of four months from the date of communication of the order."

All the OAs are disposed of on the same terms and conditions as provided in the above order.

5. There shall be no order as to costs.



Member A



Vice-Chairman

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