

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the day, ²¹~~23~~ day of March Two Thousand And Twenty One

PRESENT:

THE HON'BLE SHRI S.N. TERDAL, MEMBER(J)

THE HON'BLE SHRI C.V. SANKAR, MEMBER(A)

O.A.310/1416/2019

S. Murthy,
S/o. M. Suburayan,
Aged 59,
No. 70, Kamarajar Main Street,
Iyappa Samy Nagar,
O.K. Palayam, Mudaliarpeta,
Puducherry.

.....Applicant

(By Advocate:M/s. S. Meenakshi)

Vs

1. The Union of India
Rep. by the Secretary,
The Ministry of Health and Family Welfare
Department,
Government of India
New Delhi;
2. Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER),
Rep. by the Director, Government of India,
Dhanvanthri Nagar,
Puducherry-6,

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3. C. Rathina Mary,
Junior Accounts Officer,
Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER),
Dhanvanthri Nagar,
Puducherry-6,
4. S. Veeraputhiran,
Junior Accounts Officer
Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER),
Dhanvanthri Nagar,
Puducherry-6.

...Respondent

(By Advocate:Mr. M.T. Arunan)

CAV On :09.03.2021

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ORAL ORDER

(Pronounced by Hon'ble Mr. C.V. Sankar, Member(A))

The relief prayed in this OA is as follows:-

"to set aside the order No. Admin 1/Cadre Restructure/35(4)/2018 dated 31.12.2018, as far as the applicant is concerned, to the extent it has posted the applicant as Assistant Administrative Officer as unconstitutional and consequently direct the 2nd respondent to post him as Junior Accounts Officer with effect from 20.01.2017 with seniority and all other consequential benefits and may pass such other Order or Orders as are necessary to meet the ends of justice."

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

The applicant joined the respondent Institution as L.D.C on 31.08.1985. Later, he was promoted as U.D.C and was regularized with effect from July, 2002 vide Annexure -A2. Vide Annexure-A3, he was regularized as Accountant with effect from July, 2012. Vide Annexure-A4, he was promoted to the post of Office Superintendent on regular basis from the post of Accountant. Vide Annexure-A5 dated 10.2.2016, he was promoted as Assistant Accounts Officer on ad-hoc basis. This was further extended vide Annexure-A6 dated 30.08.2018. The

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crux of the issue relates to the cadre restructuring implemented by the respondents in the year 2018 subsequent to which vide Annexure-A10 dated 31.12.2018, the applicant who was functioning as Office Superintendent with Grade Pay of Rs. 4200/- was re-designated as Assistant Administrative Officer with Grade Pay of Rs.4600/-. The applicant gave several representations in the year 2019 to consider him for the post of Junior Accounts Officer/Assistant Accounts Officer since he worked extensively in the Accounts line. While the applicant was promoted to the post of Office Superintendent on regular basis with effect from 24.06.2016 vide Annexure-A/15 order dated 09.07.2016, the respondent Nos. 3 & 4 were promoted as Office Superintendents on ad-hoc basis with effect from 12.08.2016 vide order at Annexure-A/16. The main prayer of the applicant is that the respondents 3 & 4 being juniors to him were subsequently appointed as Junior Accounts Officer to which post he has been making representations. In case his representation is accepted and he was promoted as Junior Accounts Officer in the year 2017, the year in which the respondents 3 & 4 were promoted as Junior Accounts Officers, he would be eligible for a further promotion as Assistant Accounts Officer with Grade Pay

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of Rs. 4800/- with which he would have superannuated in the year 2020.

3. Per contra, the respondents have stated that the applicant had worked as Assistant Accounts Officer on ad-hoc basis and he was regularly promoted as Office Superintendent in the year 2016 and based on the cadre restructuring in the year 2018, all the Office Superintendents were re-designated as Assistant Administrative Officers with Grade Pay of Rs.4600/-. The respondents reiterated that the applicant who was only an Office Superintendent in the Grade Pay of Rs.4200/- was re-designated as Assistant Administrative Officer with Grade Pay of Rs. 4600/. Even though he was earlier regularized to the post of Accountant, at the time of restructuring, he was regularly promoted as Office Superintendent and, therefore, he cannot claim that he should be appointed in the Accounts side only. All the Office Superintendents who were re-designated as Assistant Administrative Officers have not raised any objection except the applicant. The respondents further stated that the Respondents 3 & 4 were promoted as Office Superintendents on ad-hoc basis and they were regular Accountants, and, therefore, based on

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cadre re-structuring, they were fitted in the post of Junior Accounts Officer. However, they also admitted that the respondents 3 & 4 are juniors to the applicant but this issue has no relevance since the two wings of Accounts and Administration were separated in the cadre restructuring in 2018 and only the substantive post of Office Superintendent or Accountant should be taken into consideration. They also stated that no option was called for from any one of the Office Superintendents who were re-designated as Assistant Administrative Officers and for the sake of one more promotion to the applicant, the cadre restructuring rules cannot be given the go-by.

4. We find no irregularity in the stand taken by the respondents since the applicant was regularly appointed as Office Superintendent in the year 2016 and all the Office Superintendents were designated as Assistant Administrative Officers. Respondents 3 & 4 were regularly appointed as Accountants and were holding the posts of Office Superintendents only on ad-hoc basis. The respondents have also stated clearly that no person junior to the applicant has been posted above him which is not denied by the applicant.

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While submitting additional affidavit, the applicant has also challenged the claim of the respondents by citing the case of one Sri Kannan R, Junior Administrative Officer who has been promoted as Junior Accounts Officer vide Annexure-A27 dated 19.06.2020. It is not clear, under what circumstances the respondents have taken a decision to promote a person in the Junior Administrative Officer cadre to the post of Junior Accounts Officer despite their claim that the two wings have been separated after the restructuring. OA is therefore dismissed as the respondents have followed the rules without exception and the applicant has not been discriminated against in any manner. However, Annexure -A27 posting appears to be going against the claims of the respondents. Therefore, in the interest of justice, the respondents are directed to consider whether the applicant can also be given a similar relaxation for his being considered to the post of Junior Accounts Officer on par with the respondents 3 & 4 whose appointment cannot however be challenged. The applicant is given the liberty to give a comprehensive representation in this regard and the respondents shall consider the same and pass a reasoned and speaking order within a period of two months from the date of

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receipt of such representation. The O.A. is disposed of with the above observations. No costs.

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