



Central Administrative Tribunal Principal Bench, New Delhi

**O.A. No.718/2021
M.A No. 945/2021**

This the 1st day of April, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Ammanjeet Singh
S/o. Ajmer Singh,
AO GE E&M(U) Delhi Cantt,
Age 33 years,
resident of Data (83),
Data, Hisar,
Haryana – 125 049.

...Applicant

(By Advocate : Shri Atul)

Versus

1. Union of India, through :
Principal Controller of Defence Accounts,
(Western Command),
Sector-9,
Chandigarh.
2. Controller General of Defence Accounts,
Ulan Batar Road, Palam,
Delhi Cantt – 110 010.

...Respondents

(By Advocate : Sh. Satish Kumar)

**ORDER (ORAL)****Justice L. Narasimha Reddy:**

The applicant was appointed as Auditor in the office of the Principal Controller of Defence Accounts, through order dated 25.04.2014 in the pay band of Rs. 5200-20200 with Grade Pay of Rs. 2400/- per month. Next promotion is to the post of Senior Auditor (SA). The rules in this behalf were framed in SRO No. 58 dated 11.09.2013. According to this, the eligibility for promotion to SA would accrue, on completion of six years of service in the scale of pay of Rs. 5200-20200 plus grade pay of Rs. 2800/-. An exception is carved out in the note number 1, to the effect that Auditors who were appointed before publication of the Rules, would be eligible to be promoted on completion of three years of service.

2. The DPC for promotion to the post of SA met in January, 2019. Though the case of the applicant was forwarded to it, his name was not recommended on the ground that he does not fulfill the criteria laid down in Notes 1 and 2 of the SRO 58 dated 11.09.2013. A communication in this behalf was issued on 31.01.2019. This OA is filed challenging the communication dated 31.01.2019.



3. The applicant contends that he completed more than three years of service as Auditor and several persons who were appointed as Auditor along with him, were promoted on completion of three years of service whereas in his case, such a benefit is not being extended.

4. We heard Sh. Atul, learned counsel for the applicant and Sh. Satish Kumar, learned counsel for the respondents, at the stage of admission.

5. It is a matter of record that the applicant was appointed as Auditor through order dated 25.04.2014. He seeks promotion to the post of SA. The Rules in this behalf are contained in SRO No. 58 dated 11.09.2013. Clause 11 thereof reads as under:

“Promotion:

Auditors in the scale of pay of Rs.5200-20200 plus grade pay Rs.2800 in the Pay band-1 with six years service in the grade rendered after appointment thereto on regular basis and successfully completed two week training in relation to the duties of higher posts imparted at various Regional Training Centres functioning under the department.

Note:1 The eligibility service for promotion to the grade of Senior Auditor shall continue to be three years for perrrson holding the feeder posts of Auditor on regular basis on the date of notification of the revised rules.

Note 2 : Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for



promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

Note 3: For the purpose of computing minimum qualifying service for promotion, the service rendered on a regular basis by an officer prior to 1st January, 2006 the date from which the revised pay structure based on the Sixth Central Pay Commission recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay or pay scale extended based on the recommendations of the Pay Commission.”

6. From a perusal of this, it becomes clear that the general rule is that an officer must complete six years of service in the pay scale of Rs. 5200-20200 plus grade pay of Rs. 2800/- for being promoted to the post of SA. The Notes 1 and 2 carve out exceptions, in this behalf. We are immediately concerned with Note 1. According to this, the requirement is three years for the Auditors who were promoted before the publication of SRO. Admittedly, the applicant was appointed as SA subsequent to the framing of these Rules. Therefore, his case is not covered by Note No. 1.

7. Learned counsel for the applicant submits that several Auditors appointed along with the applicant, subsequent to the publication of SRO 58 were promoted though they did not complete six years of service. If the applicant is able to cite any such instances through a representation, the respondents shall consider the same and pass appropriate orders within two months from the date of receipt of such representation.



8. The OA is accordingly disposed of. Pending MA also stands disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/rk/mbt/ns/sd