

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 9th Dec.1996.

Coram : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. D. S. Bawaia, Member-A

Original Application No.1360 of 1993.

1. All India Federation of Divisional Accountants Associations, through its Secretary General, R. N. Tripathi r/o. 591, Mumfordganj, Allahabad.
2. U.P.Divisional Accountants Association, through its General Secretary, R.N.Tripathi, r/o.591, Mumfordganj, Allahabad.

.....Applicants.

(Through counsel Sri V.K.Barman)

Versus

1. Union of India through Ministry of Finance (Department of Expenditure), New Delhi.
 2. Comptroller & Auditor General of India, 10, Bahadur Shah Zaffar Marg, New Delhi.
 3. Accountant General, (A&E) U.P.-II, Allahabad.
-Opposite parties.

(THROUGH COUNSEL KM. SADHNA SRIVASTAVA)

O_R_D_E_R (Oral)

(By Hon. Mr. T. L. Verma, Member-J)

In this application, under Section 19 of the Administrative Tribunals Act, 1985, the applicants seek a direction to the respondents to

.....contd. 2.....

make promotion against 50% sanctioned post on the Selection Grade in the scale of pay of Rs.1640-2900 with effect from 1.1.1986. The applicants have sought further direction that promotion to the post of DAO Grade-I may also be made in respect of all those persons who would have completed requisite qualification with relation to the vacancies occurring and under promotion to the post of DAO Gr.II selection grade or DAO Gr.I which may have been delayed on account of administrative reasons, promotion may be made with deemed dates and all consequential benefits with regard to the members of the Associations, applicants No. 1 and 2.

2. The facts leading to this application briefly stated are that 4th Pay Commission submitted its report in the year 1986. Recommendation of the Pay Commission was accepted and implemented with effect from 1.1.1986. As per the recommendation of the Pay Commission 50% selection grade post in the pay-scale of Rs.1640-2900 should be filled up by way of promotion. The Government of India accordingly by issuing a notification provided for 50% selection grade post in the pay-scale of Rs.1640-2900. 4th Pay Commission's recommendation pertaining to revision of pay-scales including selection grade was accepted by the Govt. of India and the orders were ^{be} implemented w.e.f. 1.1.86. Although the Commission had recommended 50% post of the total strength of Divisional Accountants in the Selection Grade Rs.1640-2900, ^{the Respondent No 2 vide order dated} ~~the grievance of the~~ applicants is that Respondent No. 2 vide order dated

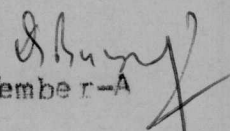
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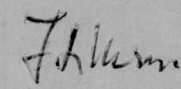
14.10.1986 directed that the Divisional Accountants, promoted to Selection grade posts in the revised pay-scale, will draw the pay in the higher ^{grade} ~~pay~~ from the date of assumption of duties of the non-selection grade post and ~~not~~ retrospective promotion is permissible. The order of the respondent No.2 was challenged before this Bench and before the Chandigarh ~~Bench~~ and Jaipur Benches. of the Administrative Tribunals. The Chandigarh bench of the Administrative Tribunal quashed the order of respondent No.2 and directed the respondents to consider and decide the promotion of the eligible Divisional Accountants to the 50% selection grades post in the pay-scale of Rs.1640-2900 w.e.f. 1.1.1986. The respondents were also directed to grant consequential benefits to the Divisional Accountants who may be promoted. Relying on the decision of Chandigarh Bench, the Jaipur Bench also allowed the application, challenging the aforesaid order of the respondent No.2. The respondents complied with the judgment and order passed by the Chandigarh Bench ^{but} ~~as~~ appealed against the judgment of the Jaipur Bench of the Tribunal before Hon'ble Supreme Court.

3. The learned counsel for the applicants submits that the controversy involved in this application has been finally settled by the Hon'ble Supreme Court in C.A.No.5799 of 1994 (Union of India Vs. Tulsiram Sharma). The aforesaid C.A. was filed against the judgment of the Central Administrative Tribunal holding that the applicants were entitled

to the selection grade w.e.f. 1.1.1986. The finding recorded by the Jaipur Bench of Central Administrative Tribunal in the aforesaid case has been up-held by Hon'ble Supreme Court in the instant case also. The only question that falls for our consideration is whether the applicants who have been given the Selection Grade ~~XX~~ as Divisional Accountant on the basis of the recommendation of 4th Pay Commission are entitled to said selection grade w.e.f. 1.1.1986 or not, from which date on which the 4th Pay Commission recommended the said ^{grade or} ~~XXXX~~ w.e.f. 24.7.1987, the date from ~~XX~~ which they have actually been given the said grade.

4. In view of the decision of Hon'ble Supreme Court in C.A.No.5799 of 1994, we dispose of this application with a direction to the respondents to grant selection grade to the applicants in the pay scale of Rs.1640-2900 with effect from 1.1.1986 with all consequential benefits admissible according to Rules. There will be no order as to costs.


Member-A


Member-J

(Dandey)