

-13-

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 14th day of September 2000

CORAM:- Hon'ble Mr. S.K.I. Naqvi, Member-J  
Hon'ble Mr. M.P. Singh, Member-A

Original Application no. 1125 of 1993.

Lalta Prasad Gupta,  
S/o Late Shri S.P. Gupta,  
presently posted as Accounts Officer,  
in the Office of the Chief Controller of  
Defence Accounts (Pension) Allahabad,  
R/o Village & Post Lakshagrih, Handia,  
Distt : Allahabad.

.. Applicant

C/A Shri H.S. Srivastava

Versus

1. Union of India, through Secretary,  
Ministry of Defence,  
New Delhi.
2. The Controller General of Defence Accounts,  
West Block, Vth, R.K. Puram,  
New Delhi.
3. The Chief Controller of Defence Accounts  
(Pensions), Allahabad.

.. Respondents

C/Rs Shri R.C. Joshi

*Sec*



// 2 //

O R D E RHon'ble Mr. S.K.I. Naqvi, Member-J

Shri Lalta Prasad Gupta - applicant was appointed as Auditor in respondents establishment in the year 1963, thereafter, he got promotion in the year 1971 to the post of Section Officer (Accounts) and then again he was promoted to the post of Accounts Officer w.e.f. 05.12.82. Vide annexure A-1 restructuring scheme was extended to the accounts staff as well with effect from 01.04.87 to which the applicant came within zone of consideration, but could not get benefit, as the D.P.C. had not recommended his case. In subsequent D.P.C. he was cleared and promoted as Senior Accounts Officer w.e.f. 10.01.94. The applicant is aggrieved of date of promotion with effect from which he was allowed, <sup>and</sup> but he claims that his promotion be given effect from the date his juniors were promoted and he shall also be given benefit of seniority, fixation and arrears, as provided under office memorandum dated 29.09.92. He preferred a representation to the departmental authorities, but his claim was declined.

2. The respondents have only objection to the claim of applicant that the benefit of office memorandum (annexure A-1) <sup>has</sup> provided by adopting principle of Seniority-cum-fitness and since the applicant was not found fit by the D.P.C. he could

Sc~



- 15 -

// 3 //

not be promoted at that juncture of point and other candidates in the cadre, who came within zone of consideration in view of their seniority requirement i.e. minimum of three years, <sup>and</sup> <sup>hence</sup> were found fit, they were promoted.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. Shri H.S. Srivastava, learned counsel for the applicant took us through office memorandum no. 22011/10/84 Estt (D), issued by Govt. of India Department of Personnel and Training on 04.02.92 in which para 2 (2) provides that "where the up-gradation involves a higher replacement scale without higher responsibilities or higher qualifications but with a higher eligibility service, the incumbent need not be assessed for their suitability but it should be ensured that they have completed the requisite qualifying service for appointment to the upgraded post."

5. Referring this position learned counsel for the applicant emphasised that since the applicant had completed more than three years regular service as Accounts Officer, he was eligible for promotion and should not have been subjected to the D.P.C.

Sev



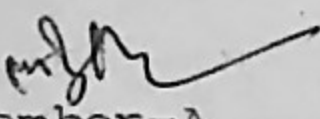
- 16 -

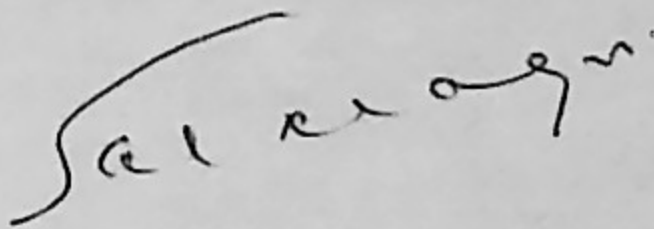
// 4 ///

6. With the above position, in view, we find that it is a fit matter to ~~be~~ referred to the departmental authorities to <sup>reconsider</sup> ~~reconsider~~ it, in <sup>the light of</sup> ~~view~~ of above position, as emerges out of referred Govt. of India, office memorandum dated 04.02.1992.

7. <sup>With</sup> In the result, the respondents are directed to reconsider the claim of the applicant, if he makes representation before competent authority in the department within 15 days, and the same be decided within three months thereafter, by passing detailed, reasoned and speaking order.

8. There shall be no order as to costs.

  
Member-A

  
Member-J

/pc/