

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

This the 17th day of May, 2004

O.A. No. 220 of 2003

CORAM

HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. S. K. HAJRA, MEMBER (A)

Altaf Ali, son of Abdul Wahid
Resident Of LIG-1, A.D.A. colony,
Stanley Road, Naya Pura,
Allahabad.

.... Applicant

Versus

- (i) Union Of India Through its controller and Auditor General
10, Bahadur shah Zafar Marg
New Delhi
- (ii) Accountant General
Accounts and Entitlement,
U.P.at Allahabad
- (iii) Accountant General
Audit I&II, U.P.Allahabad
- (iv) Deputy Accountant General (Audit)
I, U.P.at Allahabad.
- (v) Senior Audit Officer (Admin)
U.P. at Allahabad.
(By Adv: Shri Amit Sthalekar)

.... Respondents

O R D E R (oral)

JUSTICE S.R.SINGH, V.C

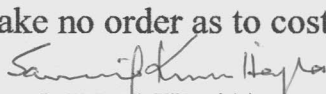
The applicant passed Section Officer Grade Examination, Part-II held in November 1989 when he was posted in the office of A.G (Accounts & Entitlement). Later on he was allocated to Audit office vide letter-dated 22.1.1992 and joined the said office on 12.2.1992(AN) as an Auditor. This allotment was made on the basis of an option exercised by the applicant. Headquarters' letter dated 5.9.1988, referred to in Para 15 of the Option form submitted by the applicant, copy of which has been annexed as Annexure CA-II, reads as under: -

“15. In accordance with instructions contained in headquarters letter No.933-Exam/2-1984 dated 5.9.1988 circulated in A.G (A&E) Office Circular No.Exam1-4/SOGE/2459 dated 28.9.1988 undertake to abide by the following terms and conditions;



- (i) I will be considered for promotion as section Officer (Audit) only on my transfer as Auditor to Audit office from the waiting list in my normal turn.
- (ii) I will be placed on the list of Section officers Grade Examinations qualified Staff Audit office, on the date of my transfer to Audit office. The inter-se position qualified wait listed Accountants position in the waiting list irrespective of the year of passing.
- (iii) My option already exercised if final.”
Subsequently, the applicant was promoted, as S.O vide office order No. A.G (Audit-I/Admn/4-3) 4/516 dated 21.2.1992 and took charge as S.O on 21.2.1992. The Comptroller and Auditor General of India has been pleased to permit the wait listed Accountants in A&E offices to appear in Part II of the Section Officer’s Grade Examination (civil Audit Branch) under the terms and conditions mentioned below: -
 - (i) The Wait listed Accountants in A&E offices (Where there is no waiting list in S.O’s cadre) who have already passed Part I of Section Officers Grade Examination Civil branch (Accounts) would have option to appear in Section Officers Grade Examination (civil branch Audit) Part-II
 - (ii) Option once exercised would be final
 - (iii) They would be considered for promotion as Section officers (Audit) only on their transfer as Auditors to Audit office from the waiting list in their normal turn.
 - (iv) They would be placed below the Section Officers Grade Examination qualified staff of Audit office. The inter-se position among the qualified wait listed Accountants would be according to their inter-se position in the waiting List irrespective of the year of passing.”

The applicant, it appears staked his claim for seniority vis-à-vis the staff of Audit office who had qualified in 1989. By impugned order the department has rejected the applicant’s claim on the ground that he was entitled to determination of his seniority with effect from the date of joining i.e. 21.2.1992 on the post of S.O and not on the basis of the SOGE Part II of 1989. The order impugned herein, is in conformity with the conditions stipulated in the option exercised by the applicant as well as those contained in Headquarters’ letter dated 5.9.1988 extracted hereinabove. We, therefore, find no error in the order impugned herein. The OA, therefore, fails and is dismissed. We, however, make no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated 17.05.2004
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