

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 66 OF 1988

Date of decision: 31.5.91

ANANGAMOHAN DAS AND ANOTHER : APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS : RESPONDENTS

For the applicant : M/s. B. Pal, O. N. Ghosh, Advocates.

For the Respondents : Mr. Tahali Dalai, the Addl. Standing Counsel (Central)

C O R A M:

THE HON'BLE MR. B. R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be permitted to see the judgment? Yes.
2. To be referred to the reporters or not? ~~No~~ No
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT
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B.R.PATEL, VICE CHAIRMAN: The Applicant No.1 and applicant No.2 were working as Junior Accounts Officer and Junior Accountant in the scale of Rs. 1640-2900/- and Rs. 1200-2040/- respectively in the Office of the Financial Adviser and Chief Accounts Officer (FA&CAO), Dandakaranya Project at Malkanagir. The Office of the FA&CAO, Dandakaranya Project functions as a separate Accounts organisation under the Ministry of Home Affairs, rehabilitation Division. The Government of India vide Office Memorandum No.F.(32)/E.III/86 dated 12th June, 1987 (Annexure-4) to the application restructured the Accounts setup in the organised Accounts cadre and revised the scales of pay and made upgradation of posts up to 80 per cent in each cadre and fixed the revised scales for the upgraded posts. This was done on the basis of the recommendation of the fourth Central Pay Commission (The Pay commission) vide para-11.38 of part-I of its Report. Relying on the aforesaid recommendation of the Pay Commission and the Office Memorandum of the Ministry of Finance referred to above, the applicants have moved this Tribunal to give them the benefit of upgradation of posts in the scale of Rs. 2000-3200/- for applicant No.1 and Rs. 1400-2600/- for applicant No.2 with effect from

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1.4.1987 and give them consequential benefits of arrears of pay. Applicant No.2 died subsequent to filing of the application and his widow has been substituted in his place as the legal heir. Subsequently, 18 (eighteen) other Junior Accounts Officer and Junior Accountants were impleaded as they were similarly placed like applicants 1 and 2.

2. The Respondents in their counter affidavit have maintained that the FA&CAO, Dandakaranya Development Authority moved the Government of India, Ministry of Home Affairs (Rehabilitation Division) vide his letter dated 23-7-87 a copy of which is at Annexure-R/1 to extend the benefits of Accounts wing of Indian Audit and Accounts Department (IA AND AD) to the Accounts wing of the Dandakaranya Project i.e. (i) revised scales of pay as applicable to the staff of the Controller General of Accounts from 1.1.1986 and (ii) for applicability of ratio of number of posts in the higher and lower scales as laid down in Ministry of Finance (Department of Expenditure) O.M. dated 12.6.1987 in respect of Staff of Financial Adviser and Chief Accounts Officer, Dandakaranya Project. But the Ministry has held that the recommendation of the fourth Pay Central Pay Commission as contained in para 11.38 of part-I of its report are specifically meant for the staff under the Organised Accounts cadres of Controller General Defence Accounts (CGDA), Controller General Accounts (CGA), Railways, and Departments of Posts and Telecommunications and it cannot be extended to

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the staff of the office of the FA&CAO, Dandakaranya Project vide Annexures-A/8 and A/12 to the application. In view of this, the respondents have maintained that the claim of the applicants for higher scales of pay cannot be accepted.

3. We have heard Mr. B. Pal the learned Counsel for the applicant and Mr. Tahali Dalai the learned Addl. Standing Counsel (Central) for the Respondents and perused the relevant records. The main issue to be decided in this case is whether the applicants belong to an organised Accounts cadre so as to be entitled to the benefits of Higher Scales of Pay ~~and~~ of Rs. 2000-3200/- and Rs. 1400-2600/-. Mr. Pal maintains that the staff of FA & CAO are in organised accounts cadre under the scheme of departmentalisation of Accounts, by the department of rehabilitation formulated by Government of India as in Annexure-A/3. Under the scheme the Controller and Auditor General of India (C&AG) of India was relieved of his responsibilities for compiling the Accounts of the Ministry of Supply and rehabilitation with effect from 1st July, 1976. Consequently the functions in relation to the department of Rehabilitation ^{of} neither to perform ₁ by the C&AG were taken over by the Department of rehabilitation with effect from that day. He has further contended that the duties and the responsibilities performed by the Accounts

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Staff under the FA & CAO, Dandakaranya after separation of Accounts from audit are comparable to those performed by other Accounts Orgaisations like IA & AD, CGDA, CGA, Railways and Postal and Telecommunications etc. and as the duties and responsiblities are comparable the applicants are entitled to the same scale of pay as are given to the corresponding levels of the other organisations. This is more ^{so} ~~now~~ according to Mr. Pal, as the pay commission have recommended vide para 8.11 of partI of their report that designations of posts should be standardised so that as far as possible their duties and responsibilities may be duly reflected and designations may be uniformly applicable. The other grounds urged by Mr. Pal were]that the Section Officers of FA&CAO Office were delegated similar administrative and functional powers and responsibilities as were attached to the Section Officers of organised cadre of IA & AG in para-2 of Government of India's letter dated 17.2.75(Annexure- A/1) to the application. He has further contended that since according to the recommendation of the Pay Commission vide para-ll.38 of part-I of their Report hence forward there would not be any selection grade Posts in any organised accounts cadre, it is more ^{all the} ~~more~~ necessary in the interest of equity that the Accounts staff of the FA & CAO are given the higher pay scales. According to him the higher pay scales ~~has~~ bee recommended to compensate the loss caused to the staff by abolition of selection grade. He has further averred that the Pay and

Accounts Officers under the FA & CAO, Dandakarnya Project have been authorised to issue PPOs and the pay and Accounts office of Dandakarnya Project have been asked to introduced implement the new pension scheme with effect from 1.1.90. According to the letter No. 13011/1/89/Coord/2060 dated 22.3.1990 of the Assistant Controller of Accounts, New Delhi the Office of FA & CAO, Dandakarnya Development Authority is a departmentalised Accounts Office under the Department of Rehabilitation, as any other Accounts Officer under the Controller General of Accounts. Finally Mr. Pal has referred to the letter No. FA/Admn. 1/SGC/90-1147 dated 11/16th.1.1990 of the under Secretary to the Government of India rehabilitation division and Head of Office of DNK Project, camp Koraput, addressed to the Deputy Secretary to the Government of India, Ministry of Home Affairs rehabilitation division and has urged that the Government of India for the reasons mentioned above should reconsider the cases of the applicants for higher scales of pay in terms of the O.M. of the Finance Ministry (Department of Expenditure) dated 12th June, 1987 (Annexure-4). Mr. Dalai relying on the recommendation of the Pay Commission and the counter of the respondents maintained that there was no case for granting any relief to the applicants.

4. On perusal of the papers, we have noticed that the FA & CAO, DNK, Project has made out a case for extending the benefits granted by the OM dated 12th June, 1987 (Annexure-A/4)

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to the applicant ^{on} vide his letter dated 23.7.1987 (Annexure-A/7) and again by his letter dated 23.11.1987 Annexure-A/10. The Class-III and Class-IV employees Association of the Finance Branch of the DNK Project also represented to the Government vide their letter dated 12.11.1987 (Annexure-A/9) in which they have pleaded as follows:

"As the Junior Accounts Officer and Junior Accountants in the Accounts cadre of the F.A. & C.A.O., fulfills all the above criteria, our case may kindly be re-examined and benefits extended to the staff of the F.A. & C.A.O., DNK Project early".

The Association made another representation vide their letter dated 10th December, 1987 (Annexure-A/11). The Government of India have rejected the proposal of the F.A. & C.A.O. vide its letter dated 26th October, 1987 (Annexure-A/8). They had rejected their representations of the Staff Association as well as the subsequent proposal of the F.A. & C.A.O. vide their letter dated 19th January, 1988 (Annexure-A/12). We have gone through the recommendation of the Pay

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Commission contained in para-11.38 of part-I of their report along with paragraph-11.36 where reference has been made to the demands of the Association of Accounts staff under C.G.D.A., C.G.A., Railways and Departments of Posts and Telecommunications. The Pay Commission have considered these representations and have come to the conclusion that "There has all along been parity between the staff in the IA & AD and Accounts Staff of other Departments, which has been disturbed by restructuring IA & AD into two separate cadres viz Audit Cadre and Accounts and Establishment cadre and giving higher Pay scales to a major portion of staff on the Audit side". They have recommended restoration of this parity in paragraph-11.38 of their recommendation referred to above. They have in fact said "Accordingly we recommend that the posts in the pay scale of Rs.425-700/- in the organised accounts cadres may be given the scale of Rs. 1400-2600/-, XX XX XX. We also recommend that this should be treated in future as a functional grade requiring promotion as per normal procedure. The proposed scales (Rs.2000-3200/-) there will be no selection grades for any of the posts ". They have also said that the Government may decide the number of posts to be placed in the scales of (i)Rs.1,400-2,600/- and (ii) Rs. 2000-3200/- in the other organised

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accounts cadres taking this factor into consideration. A plain reading of the recommendation of the Pay Commission as contained in para-11.38 of part I of their Report has convinced us that this recommendation relates to the staff of organised accounts cadres like the organisations under the CGDA, CGA, Railways etc. and will not automatically apply to the accounts staff under the FA and CAO of DNK project unless the latter is treated as an organised accounts cadre. The Government are in a better position to assess the comparability of functions, duties and responsibilities of the accounts staff of the office of FA AND CAO of DNK project on one hand and those of the staff of organised cadre on the other. under CGDA etc. We hope it will be possible for them to come to a conclusion as soon as possible in this regard after proper investigation. While going through the letter of the Under Secretary dated 11/16th January, 1990 referred to above we have noticed that consequent upon the issue of the Ministry of Finance OM No.5(32)E.III/86/Pt.II dt. 12.6.87 (Annexure-A/ 4) to the application, the ratio of number of posts in higher and lower scales to the JAOs and Junior Accountants of pay and Accounts Officer, Rehabilitation division (now under the Ministry of Home Affairs, New Delhi) have since been revised from Rs. 1640-2900/- to 2000-3200/- and Rs. 1200-2040 to 1400-2600/- (the same as claimed by the Applicants). There is therefore a case for reconsidering the claims of the applicants for higher scale of pay particularly

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when both the Principal Accounts Officer Rehabilitation division (now under controller of Accounts, Ministry of Home Affairs) and FA & CAO, DNK Project, fall under the same erstwhile Ministry of supply and rehabilitation division (Department of rehabilitation). We would therefore direct that the cases of the applicants for higher scales of pay should be considered by the respondents No.1 in the light of the development referred to above, and the matter finalised within three months from the date of receipt of a copy of this judgment.

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This case is accordingly disposed of. No costs

Keswani
31-5-91
MEMBER (JUDICIAL)



Mohanty
31-5-91
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench: K. Mohanty.