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(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 144 OF 1991


Cuttack this the 16th day of May, 1995.

Basudeba Dora and others	...	Applicant
	Versus	
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? ✓
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? ✓


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(D. P. HIREMATH)
VICE-CHAIRMAN

16 MAY 95

(16) (2)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.144 OF 1991

Cuttack this the 16th day of May, 1991.

CORAM:

THE HONOURABLE MR. JUSTICE D.P.HIREMATH, VICE CHAIRMAN
&
THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

....

1. Basudeba Dora, S/o. Late Madan Mohan Dora
2. Chandra Sekhar Senapati, S/o late Krupasindhu Senapati.
3. Jadumani Nanda, S/o-late Narayana Nanda.
4. Sankar Kumar Ghosh, S/o-Debendranath Ghosh.
5. Prafulla Kumar Senapati,
S/o-late Chintamani Senapati.
6. Arakhita Patro, S/o-Baranidhi Patro.
7. Raghunath Behera, S/o-late Purushottam Behera.
8. T.Narayana, S/o-late P.K.Raman.
9. Nilakantha Jena, S/o-late Nabaghana Jena.
10. Lalit Mohan Ghosal, S/o-late Sakhi Charan Ghosal.
11. Pathani Dash, S/o-late Kasinath Dash.
12. Brundaban Behera, S/o-late Basudev Behera.
13. Purna Chandra Tripathy, S/o-Kasinath Tripathy.
14. S.Suryanarayana Murty, S/o-late S.Venkata Rao.
15. Kailash Chandra Nanda, S/o late Narayana Nanda.
16. Anand Torkey, S/o-late Segga Tirkey.
17. Joseph Topno, S/o-Majan Topno,
18. Paramananda Singh, S/o-late Banchhanidhi Singh.
19. Mohanlal Murmu, S/o-Narayan Charan Murmu.
20. Laxman Nanda, S/o-late Daitari Nanda.

21. B.S.Topno, S/o-A.M.Topno.
22. Umakant Jena, S/o-late Utsabananda Jena.
23. G. Venkateswara Rao, S/o-late G.Narayana Murty.
24. Sukadev Pattanaik, S/o-late B.N. Pattanaik.
25. Sk.Mohiuddin, S/o-late Sk.Riajuddin.
26. S.N.Bose, S/o-late Surendranath Bose.
27. S.Nai, S/o-Rami Naik.
28. M.S.Nanda, S/o-late Krupasindhu Nanda.
29. U.N.Muduli, S/o-late Nrusingh Muduli.
30. Harihar Das, S/o-B.N.Das.
31. T.V.Ramachandra Rao, S/o-late T.V.Krishna Rao.
32. Babindranath Rath, S/o-late Lingaraj Rath.
33. B.N.Pujapanda, S/o-late Raghunath Pujapanda.

All are Supervisors (Accounts) Office of the
Accountant General (A & E), Orissa, At/Po-
Bhubaneswar, District- Khurda.

... APPLICANTS

By the Advocate ... Mr. G.A.R.Dora, Advocate.

Versus

- 1) Union of India through the Secretary,
Ministry of Finance (Department of
Expenditure), Government of India,
New Delhi.
- 2) Comptroller and Auditor General of India ,
10- Bahadurshah Zafar Marg,
New Delhi-110002.
- 3) Accountant General (A&E),
Orissa, At/Po-Bhubaneswar,
District-Khurda.

... RESPONDENTS

By the Advocate ... Mr. Ashok Mishra, Senior Standing
Counsel (Central).

ORDER

D.P.HIREMATH, V.C. The Accountant General's Office was bifurcated into Accountant General (Audit) and Accountant General (Accounts and Entitlements) in the year 1984. We are not concerned for the purpose of disposal of this application with the Accountant General (Audit) ^{but} ~~and~~ only concerned with the other limb of it. In the Accountant General (A&E) cadre, there were posts of Clerks, Accountants, Selection Grade Accountants, Section Officers, Supervisors, Selection Grade Section Officers and Selection Grade Supervisors. In order to qualify for being appointed as Section Officers or the Supervisors, there were two types of examinations prescribed; one type of examination for filling in 80 per cent in Section Officers grade ~~examination~~ was to be taken and for filling in the post of Supervisors Departmental Confirmation Test was to be taken to fill-up 20 per cent of the Section Officers Posts. When this was the position, the next promotional avenues as already stated was of Selection Grade Section Officers and Selection Grade Supervisors. The present applicants were supervisors by virtue of passing the Departmental Confirmation Test. These two posts of Selection Grade Section Officers and Selection Grade Supervisors were non-functional. But the IVth Pay Commission abolished this non-functional category and made it functional re-designating the same as Assistant Accounts Officer. Thus, one common cadre of

Assistant Accounts Officer became a promotional cadre both for Section Officers and Supervisors.

2. The Government ordered that a common seniority list of Section Officers and Supervisors be prepared as per 3.4.2 of the Manual of instructions after ~~restructuring~~ ^{restructuring} of the cadre in I.R.A.D. issued by the Comptroller and Auditor General of India. Some of the Applicants made representations on 26.2.1990 and 29.6.1990 that in view of the common seniority list they should also be held eligible for promotion to the next cadre of Assistant Accounts Officer alongwith Section Officers. By the replies dated 25.5.1990 and 19.10.1990, the representations came to be rejected holding that Supervisors are not qualified and therefore, are not eligible for promotion to the Post of Assistant Accounts Officer.

On receipt of the replies, these applicants have approached this Tribunal with a prayer that the Respondents ^{be} directed to make functional Selection Grade Supervisors in the scale of pay of Rs.2000-3200/- and also direct the Respondents to create functional Grades in A&E cadre for the applicants corresponding to Assistant Accounts Officer posts.

3. In short, ^{they} ~~there~~ appear to take the clock back to the stage of abolition of the nonfunctional cadre and introduce functional cadre. They have not challenged anywhere the decision of the Government ^{that} ~~though~~ common seniority list should be prepared. In fact, ^{they} ~~he~~ made a prayer that they

also be held eligible to be promoted to the cadre of Assistant Accounts Officer. That being so, it would not be proper at this point of time to reintroduce the selection Grade Supervisors Cadre as well as to direct for creation of functional grades in A&E cadres. The main grievance of the applicants is that when once common seniority list prepared, the distinction between Section Officers and Supervisors loses its relevancy and significance and all of them become equal under seniority list prepared according to the seniority in this cadre. It would now remain to operate the seniority list in order to promote officials who are working either as Supervisors or Section Officers and whose names find place in the common seniority list in accordance with their seniority in the common seniority list. We are not aware how many officials have been promoted by this time from the common seniority list because in the application it cannot be found that the applicants did make a grievance that some of them who are juniors have been promoted. In view of the above position, application has to be allowed and we hereby allow this application partly gaining strength from para 3.10.3. of the Manual of Instructions referred to above and direct that the common seniority list shall become operative and there shall be no distinction between the Section Officers and the Supervisors when once the common seniority list is prepared. In the matter of granting promotion the same list shall operate and in the event of

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any of the former Supervisors not being promoted though entitled according to their seniority in the list, they shall be so promoted considering their seniority interest if they are suitable otherwise on the date on which they are entitled to be promoted. They are also entitled to promotional monetary benefits and other benefits flowing from such promotions. These directions shall be carried out within 120 days from the date of receipt of a copy of this order. With these directions the Original Application is disposed of. No order as to costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

16 MAY 95


(D.P. HIREMATH)
VICE-CHAIRMAN

ENMchanty, CM.