

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 20.4.04

Parties are absent on call. No steps taken by the applicant to file rejoinder. Copy of counter was served on 23.2.2004. Time was granted on 4.3.04 and 5.4.04 to file rejoinder. As no rejoinder has yet been filed, it is presumed that he has no rejoinder to file. Pleadings are therefore deemed to be completed.

Let the matter before Bench for final hearing in its turn.

SDM
20/4/04
REGISTRAR

For adjournment and hearing.

M
16/11/04

For adjournment and hearing.

M
14/12/04

For adjournment and hearing.

M
4/1/05

Order dated - 17/1/05.

On request of Mr. P. K. Paalhi, Ad. Counsel for the applicant, adjourned to 19/1/05.

SDM
Judicial Member

Sah
Vice-Chairman
17/1/05

Order dated 19.1.05

Sri K. Krishna Rao, a retired Senior Audit Officer in the office of Accountant General (Audit-1) Orissa has filed this O.A. praying for issuing a direction to the Respondents to consider his case for promotion to the grade of Sr. Audit Officer w.e.f. 29.6.02 with all consequential benefits; whereas he was promoted to the said grade w.e.f. 7.11.02.

The plea of the applicant in support of the relief sought by him is that amended recruitment rules for the post of the Sr. Audit Officer were made effective from 29.6.02 by publishing the same in the official Gazette. Whereas the crucial date for fixing eligibility of such promotion was fixed on 1st January of the recruitment years as per Annexure-A/3, his case is that the Sr. Audit Officer being an in-situ promotion from the post of Audit Officer, and there being no higher responsibility involved, the Respondents should have ante-dated his promotion from the date of promulgation of the amended recruitment rules.

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Or. Dt 17/1/05

for hearing.

Dhruv

18/1/05

He has also submitted that some officers in the office of AG Karnataka were given promotion from 29.6.02 by reckoning their eligibility from 1st January of the recruitment year. His prayer is that the same principle should have been followed by Sr. AG (Audit) Orissa.

The Respondents have contested the application by filing a detailed counter. They have rebutted the argument of the applicant that promotion to Sr. Audit Officer is a in-situ promotion. Referring to the provisions of the recruitment rules they have clarified that promotion from the grade of Audit Officer to Sr. Audit Officer is a selection post and not an in-situ promotion, and therefore, the prayer made by the applicant holds no water. Further, they have submitted that immediately after promulgation of the amended recruitment rules they had called for a review DPC after observing a number of formalities for drawal and approval of the panel of Sr. Audit Officers. In the process, the applicant along with 3 other Audit Officers were considered for promotion to the higher grade and the applicant took over the charge as Sr. Audit Officer w.e.f. 7.11.02.

From the above narration of the facts of the case it is clear that the applicant was considered for promotion to the Sr. Audit Officer along with others when the DPC met in the year of 2002 after promulgation of the amended recruitment rules.

NOTES OF THE REGISTRY

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Copy & make off. 19/1/10
Issued to the Counsel
for both sides.

W. 28/1/10
S. O.

M
28/1/10

That being the facts of the case there appears to be no force in the argument made before us by the Lt. Counsel for the applicant that the date of promotion of the applicant deserves to be ante-dated, because no such provision in the rules could be placed before us to appreciate the said prayer. In this view of the matter, we see no merit in this O.A. which is accordingly disposed of.

No costs.

J. S. D.
Judicial Member

J. S. D.
Vice-chairman