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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No.418 of 2011

Smt.Padma Mohanti ...Applicanti

-Versus-

Union of India & Ors.Respondents

Order dt. 26.04.12
copy of the order
may be issued
to both counsels.

Dms 3.5.12
Sols 3.5.12

Pragya
3.5.12

ORDER DATED 26th April, 2012

CORAM

HON'BLE SHRI C.R.MOHAPATRA, MEMBER(ADMN.)

And

HON'BLE SHRI A.K.PATNAIK, MEMBER(JUDL.)

.....

The Applicant belongs to Indian Forest Service Cadre of State of Kerala (2001 batch) and at present continuing as Regional Passport Officer, Passport Office, Bhubaneswar on deputation basis which will expire on 12.05.2012. In the instant OA she sought to quash the order under Annexure-A/5, direct the Respondents to promote her to Sr.Time Scale w.e.f. 01.01.2005 and to pay her the consequential service and financial benefits retrospectively.

2. Mr.U.B.Mohapatra, Learned SSC for the Union of India, having received advance copy of this OA, entered appearance for the Respondents. After having heard the Learned Counsel for the Applicant and Mr.Mohapatra, Learned SSC, as a *prima facie* case was made out, vide order dated 1st July, 2011, opportunity was granted, by

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issuing notice to the Respondents, to file their counter if any, within the period stipulated therein. Thereafter, as per the procedure, the matter was listed before the Registrar's Court of the Registry for completion of the pleadings. Despite adequate opportunity by the Registry since no reply was filed by the Respondents, the matter was listed before the Bench on 09-02-2012, 12.3.2012, 03.04.2012, 12.4.2012, 18.04.2012 and on 23.4.2012. On the specific insistence of the Learned Counsel for the Applicant for early disposal of this matter, this matter was fixed today for hearing.

3. As stated, despite repeated and adequate opportunity no reply has been filed by the Respondents. However, Learned Counsel for the Applicant brought to our notice copy of the letter No.GE-1/B/P11-IFS/3462 dated 16.03.2012 issued by the Sr. Accounts Officer of the Indian Audit and Accounts Department, office of the Accountant General (A&E), Kerala/Thiruvananthapuram addressed to the Applicant in which it has been stated as under:

"As per the Government order dated 31.8.2007 you have been sanctioned Senior Time Scale with effect from 10.4.2006.

Since the posts in the Senior Time Scale are functional, this office has not given effect to the

retrospective promotion order by Government and the fact has been communicated to Government. Subsequently, the Government have cancelled its order dated 31.8.2007 vide the Govt. order dated 25.3.2008.

Subsequent to your retrospective promotion, the Government have promoted four more IFS officers to the Senior Time Scale retrospectively.

Since the officers have fulfilled the eligibility conditions prescribed by the AIS Rules for promotion to Senior Time Scale and the Government's intention to effect promotion retrospectively i.e. from the eligible date of promotion, is indicated in the promotion order, this office has proposed to accept the retrospective promotion ordered by the Government and accordingly issue provisional pay slips to the officers. However, the above proposal is subject to final clarification from the DOPT;

We have already requested the State Government to consider issuing necessary orders for revival of the Government order dated 31.8.2007 promoting you retrospectively with effect from 10.4.2006 to give effect to the above proposal.

On receipt of necessary Government orders, we would take further action to issue provisional pay slips against a suitable undertaking from you to refund any excess amount, in case DOPT objects to extend Senior Time Scale retrospectively."

4. In the impugned order at Annexure-A/5 dated 25.3.2008 it was stated as under:

"GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT.

G.O (Rt.) No.2365/2008/GAD dated Thiruvananthapuram 25/03/2008.

Read:- 1 G.O. (Rt.) No.8854/2007/GAD dated 31/08/2007;

2.Letter No. GE-1/B/PII-IFS/618 dated 6.12.2007

from Accountant General

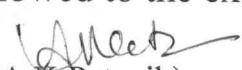
(A&E),Kerala,Thiruvananthapuram.

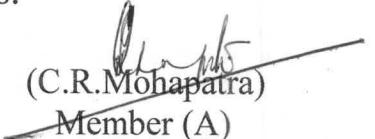
ORDER

In the circumstances pointed by the Accountant General (A&E) vide reference 2nd read above the Government order read as 1st paper above sanctioning retrospective promotion to Smt. Padma Mohanti, IFS (KL.2001) in Senior Time Scale with effect from 10.4.2006 is hereby cancelled."

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5. The order No. No.8854/2007/GAD dated 31/08/2007 in which the Applicant was granted the Senior Time Scale retrospectively w.e.f. 10.4.2006 was cancelled by the Government by the letter of the Accountant General (A&E),Kerala, Thiruvananthapuram. No. GE-1/B/PII-IFS/618 dated 6.12.2007. Now in view of the modified letter issued by the office of the Accountant General (A&E),Kerala, Thiruvananthapuram No.GE-1/B/P11-IFS/3462 dated 16.03.2012 (quoted above), there remains nothing further to be adjudicated in this OA except in view of the above letter to direct the Respondent No.2 to 4 to revive the G.O No. No.8854/2007/GAD dated 31/08/2007 by granting the applicant promotion to Senior Time Scale with all consequential service and financial benefits with effect from 10.4.2006 at an early date preferably by 31st May, 2012. Ordered accordingly. Resultantly this OA stands allowed to the extent stated above. No costs.


(A.K.Patnaik)
Member(J)


(C.R.Mohapatra)
Member (A)