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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00207 of 2015
Cuttack, this the 24th day of July, 2015

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

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1. Sri Biranchi Narayan Sahoo, aged about 55 years, S/o Sri Bhima Sahoo
2. Sri Saroj Kumar Behera' aged about 50 years, S/o Sri Gobinda Chandra Behera
3. Sri Kshetrabasi Dalai, aged about 56 years, S/o Late Maheswar Dalai
4. Sri Bibekananda Patra. aged about 55 years, S/o Sri Bichitra Nanda Patra
5. Sri Purusottam Sahoo, aged about 54 years, S/o Late Danardan Sahoo
6. Sri Pabitra Mohan Mohanty, aged about 51 years, S/o Late Nrusingh Charan Mohanty
7. Sri Basanta Kumar Parida, aged about 53 years, S/o Late Bidyadhar Parida
8. Sri Harjakshya Keshari Burma, aged about 53 years, S/o Sri Batakrushna Samal
9. Sri Prabir Kumar Samal, aged about 53 years, S/o Sri Khageswar Samal
10. Sri Sangram Keshari Samantaray, aged about 53 years, S/o Late Manmohan Samantaray
11. Sri Sarat Chandra Sahoo, aged about 53 years, S/o Sri Anama Charan Sahoo
12. Sri Natabar Panda, aged about 55 years, S/o Late Dhruba Charan Panda
13. Sri Paramananda Samal, aged about 56 years, S/o Late Sriram Samal
14. Sri Niranjan Senapati, aged about 53 years, S/o Late Dhaneswar Senapati

Allo

15. Sri Pradeep Kumar Sethi, aged about 51 years, S/o Sri Natha Sethi
16. Sri Niranjan Sahoo-II, aged about 54 years, S/o Sri Jadunath Sahoo
17. Sri Kirtan Dash, aged about 54 years, S/o Late Satyabadi Dash
18. Sri Rabindranath Swain, aged about 56 years, S/o Late Pitambar Swain
19. Sri Akshaya Kumar Mohanty, aged about 53 years, S/o Late Kulamani Mohanty
20. Sri Dusashan Nayak, aged about 53 years, S/o Sri Ganeswar Nayak
21. Sri Sadhu Charan Patra, aged about 51 years, S/o Late Raghunath Patra
22. Sri Prafulla Chandra Mohapatra, aged about 55 years, S/o Late Brundaban Barik
23. Sri Aswini Kumar Rout, aged about 56 years, S/o Late Gopinath Rout
24. Sri Panchanana Panda, aged about 53 years, S/o Late Ratnakar Panda
25. Sri Abutalib Khan, aged about 52 years, S/o AbulHabib Khan
26. Sri Jagannath Das, aged about 54 years, S/o Late Chakradhar Das
27. Sri Narayan Hati, aged about 53 years, S/o Late Binod Hati.

All are working as Assistant Accounts Officer at Office of the Principal Accountant General (A&E) Odisha, Bhubaneswar, District-Khurda except Applicant at Sl. No 2 above who has meanwhile been promoted as Accounts Officer.

...Applicants

(Advocates: M/s. D.K.Mohanty, G.Singh)

Union of India represented

1. Secretary, Ministry of Personnel Public grievances and pensions, Department of Personnel & Training, North Block, New Delhi.
2. The Comptroller & Auditor General of India, 9, Deendayal Upadhyaya Marg, New Delhi-110124
3. Principal Accountant General (A&E), Odisha, Bhubaneswar, Dist. Khurda.
4. Sri Sunirmal Kumar Parida aged about 57 years, S/o Bhagaban Chandra Parida.
5. Sri Viswa Mohan Pati aged about 58 years, S/o Panchanan Pati
6. Sri Santosh Kumar Mallik-II aged about 52 years, S/o Keshab Chandra Mallik
7. Sri Ajit Kumar Sahoo, aged about 56 years, S/o Dinabandhu Sahoo
8. Sri Sudhir Chandra Marandi, aged about 59 years, S/o Dhadia Majhi

(Respondent Nos. 4 -8 are presently working as AAO in the office of the Pr. A.G., A&E, Odisha, Bhubaneswar)

... Respondents

(Advocate: Mr. S.K.Patra)

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O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicants, and Mr. S.K.Patra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. By filing a memo at Flag-A, Mr. Mohanty brought to my notice that similar matter bearing O.A. No. 260/00219/2015 has been disposed of by this Bench on 29.04.2015 and he has no objection if the similar order is passed in this O.A. also. He further submitted that the applicants in this O.A. are similarly situated to that of the applicant in the O.A. No. 260/00219 of 2015.

Allo

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- “(i) To direct the Respondents to grant Grade Pay of Rs. 5400/- to the applicants which they are entitled at par with the pay of the Adhoc Assistant Accounts Officers/Sr. Accountants who have been granted with financial upgradation in PB-2 of Rs. 9300-34,800/- with Grade Pay of Rs. 5400/- with effect from 01.09.2008 and subsequent dates as implemented by the office of the Principal Accountant General (A&E), Tamilnadu, Chennai in view of the orders passed by the Hon’ble Central Administrative Tribunal, Chennai Bench, Guwahati & Hon’ble Madras High Court which has subsequently upheld by the Hon’ble Apex Court.
- (ii) To quash order of rejection dtd. 18.03.2015 under Annx. A/10.
- (iii) To pass any other order.....”

4. The case of the applicants is that they had initially joined as Clerks in the Office of Accountant General and subsequently promoted as Accountant, Senior Accountant. After qualifying the Section Officers Grade Examination conducted by the Comptroller & Auditor General of India they were promoted to the post of Section Office (re-designated as Assistant Accounts Officer) and are now working as such, except Applicant No. 2, who has in the meanwhile been promoted as Accounts Officer. The grievance of the applicants is that the Senior Accountants, who could not be promoted to the post of AAO due to non-passing of the pre required examination, as per the MACP Scheme they will get financial upgradation to Grade Pay of Rs. 5400/- but the Grade Pay of AAOs, who have been promoted after passing SOGE Examination, is 4800/-. It has been submitted



that some of the AAOs moved the Madras Bench of the Tribunal in O.A. No. 966 and 967 of 2009 challenging the same, in which the Madras Bench of the Tribunal directed payment of GP of Rs. 5400/- in PB-2 to the AAOs, which has also been upheld by the Hon'ble High Court of Madras and the Hon'ble Supreme Court of India. Mr. Mohanty, Ld. Counsel for the applicant, submitted that similar matter was filed before the Guwahati Bench of the Tribunal and due to difference of opinion the matter was referred to third Member, who vide order dated 25.02.2015 concurred the view that AAOs are entitled to GP Rs. 5400/-. In a similar matter, relying on the aforesaid orders, the Ranchi Circuit Bench of this Tribunal has also passed order dated 23.03.2015 in O.A. No. 051/00073/2015. Mr. Mohanty further submitted that the applicants, in the present O.A., made representation for grant of aforesaid benefits to him but the same has been rejected vide letter dated 18.03.2015. Accordingly, he has approached this Tribunal in the present O.A. with the aforesaid prayers.

5. Having heard Ld. Counsels for both the sides and having perused the materials placed on record vis-à-vis the orders/judgments passed by the various Tribunals and Hon'ble Court, I am of the opinion that the applicant is entitled to the reliefs claimed by him. Accordingly, while quashing the order of rejection dated 18.03.2015, I dispose of this O.A. at this admission stage directing the Respondents to consider the grievance of the applicant in the light of the orders passed by the Ranchi Circuit Bench of this Tribunal in O.A. No. 051/00073/2015 dated 23.03.2015.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



7. In view of the disposal of this O.A., the order dated 27.04.2015 passed by this Tribunal in O.A. No. 260/00207 of 2015 issuing notice to the Respondents is recalled.

8. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicants, copy of this order, along with paper book, be sent to Respondent Nos. 1 and 2 by Speed Post for which he undertakes to file the postal requisites by 29.07.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

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