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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.260/00059 of 2016
Cuttack, this the 5th day of February, 2016

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

...

1. Sri Chitta Ranjan Patra, aged about 53 years, S/o Sri Kasinath Patra.
2. Sri Basanta Kumar Panda-1, aged about 57 years, S/o Late Bama dev Panda
3. Sri Pratap Ch Khuntia, aged about 51 years, S/o Bishnu Ch Khuntia
4. Sri Gadadhar Sahoo-I, aged about 54 years, S/o Late Radhanath Sahoo
5. Sri Brundaban Behera, aged about 51 years, S/o Late Sanatan Behera
6. Sri Kishore Kumar Ray aged about 53 years, S/o Late Sunamani Ray
7. Sri Srikanta Khuntia, aged about 53 years, S/o Sri Lambodar Khuntia
8. Sri Gopal Chandra Mishra, aged about 53 years, S/o Late Achhutananda Mishra.
9. P.V Chandiprava, aged about 53 years, D/o Late P Venkateswarlu
10. Sri Sukanta Kumar Mohanty, aged about 54 years, S/o Sri Kabir Charan Mohanty
11. Sri Sarat Chandra Naik, aged about 48 years, S/o Sri Gandharba Nayak
12. Sri Laxminarayan Pattnaik, aged about 54 years, S/o Bauribandhu Pattnaik.
13. Sri Trilochan Biswal, aged about 57 years, S/o Late Krishna Chandra Biswal
14. Sri Soumendra Prasad Mohanty, aged about 52 years, S/o Late Mahendra Prasad Mohanty



15. Sri Gadadhar Sahu-II, aged about 53 years, S/o Late Bhikari Charan Sahu.
16. Sri Susanta Kumar Sahoo, aged about 54 years, S/o Late Hadibandhu Sahoo
17. Sri Babaji Sahoo, aged about 52 years, S/o Late Jogendra nath Sahoo
18. Sri Sarat Kumar Panda, aged about 53 years, S/o Late D. Mohapatra
19. Sri Sambhu Nath Sahoo, aged about 54 years, S/o Late Baban Chandra Sahoo
20. Sri Promod Kumar Panda ,aged about 56 years, S/o Late Ananda Panda
21. Sri Prasanta Mallick, aged about 53 years, S/o Sridhar Mallick
22. Sri A Janaki Ram, aged about 56 years, S/o A Narasimha Rao
23. Sri Bidyadhar Malik, aged about 56 years, S/o Late Jadumani Malik
24. P.Saroja, aged about 53 years, W/o P Bhaskar Rao
25. Umakanta Mahasuara, aged about 50 years
S/o Late Balakrushna Mahasuara
26. Pramod Kumar Rout, aged about 56 years S/o Raj kishore rout
27. Santosh Kumar Mallick-I, aged about 54 years S/o Late Sadhu Ch. Mallick
28. Madan Mohan Panda, aged about 52 years S/o Late Jagannath Panda
29. Bijaya Kumar Maharana, aged about 55 years S/o late Haribandhu Maharana
30. M Laxman Rao, aged about 54 years S/o Late M A Swamy
31. Manoranjan Panigrahi, aged about 50 years S/o Sanatan Panigrahi
32. Prasanna Kumar Samantray, aged about 56 years S/o Late Raghunath Samantray

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33 N Sundar Rajan, aged about 54 years
S/o Late N R Raghav Rao.

34 Kirti Prakash Sen, aged about 55 years
S/o Late Babaji Sen

35 Susil Kumar Mishra, aged about 51
years S/o Late N P Mishra

36 Sujat Kumar Pattnaik, aged about 55
years S/o Late R K Pattnaik.

37 Abhaya Kumar Sahu, aged about 53
years S/o Late Drona Sahu.

38 Guru Prasad Mukherjee, aged about 50
years, S/o Bipin Bihari Mukherjee.

39 Radhamani Sahoo, aged about 59 years
D/o Raj Kishore Rout

40 Binoda Chandra Padhi, aged about 54
years S/o Hadubandhu Padhi.

All are working as Assistant Accounts Officer at Office of the Accountant General (A&E) Odisha, Bhubaneswar, District- Khurda.

...Applicants

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

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Union of India Represented through

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. Accountant General (A&E), Odisha, Bhubaneswar, Dist. Khurda.
4. Sri Viswa Mohan Pati aged about 58 years, S/o Panchanan Pati.
5. Sri Sadananda Mishra, aged about 59 years S/o S Mishra.
6. Sri Sudhir Chandra Marandi, aged about 59 years, S/o Dhadia Majhi.

The Respondent No. 4 is working as Assistant Accounts Officer and the Respondent No.5&6 are working as Senior Accountants in the office of the Accountant General (A&E), Odisha, Bhubaneswar

...Respondents

(Advocate: Mr. S. K.Patra)



ORDER (ORAL)

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

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

2. M.A.No. 86/16 filed under Rule 4(4) of the Administrative Tribunals Act, 1985 for joint prosecution is allowed subject to payment of Rs. 50/- per applicant except applicant No.1. M.A. No. 86/16 is, accordingly, disposed of.

3. By filing a memo, Mr. Mohanty brought to my notice that similar matter bearing O.A. No. 260/00207/2015 has been disposed of by this Bench on 24.07.2015 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. 260/00207 of 2015.

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

“(a) To quash the impugned order dtd. 12.11.2015 under Annx. A/5.

(b) To issue appropriate direction the Respondents to extend the benefits of Grade Pay of Rs. 5400/- instead of Grade Pay of Rs. 4800/- to the applicants which they are entitled at par with the pay of their Junior Adhoc Assistant Accounts Officers/Senior Accountants who have been granted with financial up-gradation in PB-2 with Grade Pay of Rs. 5400/- with effect from 01.09.2008 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 in OA No. 966-967 of 2009

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which has subsequently upheld by the Hon'ble Apex Court.

(c) To pass any other order.....”

5. 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. 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 them but the same has been rejected vide letter dated 12.11.2015.

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Accordingly, they have approached this Tribunal in the present O.A. with the aforesaid prayers.

6. 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 applicants are entitled to the reliefs claimed by him. Accordingly, while quashing the order of rejection dated 12.11.2015, 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.

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

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 09.02.2016.

9. Free copy of this order be made over to Mr. S.K.Patra, Ld. ACGSC.


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

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