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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. NO.1048 of 2012
Cuttack this the 30th day of January, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

Chandi Charan Chatterjee,
Aged about 37 years,
S/o.Sri Patita Paban Chaterjee,
At-Rameswarpur,
PO-Debidwar,
Dist.Jajpur,
Working as Asst. Administrative Officer,
O/O the Chief of (F&A) (FYS),
Badmal, Dist. Bolangir-767770.

.... Applicant

By the Advocates: Mr.U.K.Mishra

-VERSUS-

Union of India represented through -

1. Controller General of Defence Accounts (CGDA),
Ulan Batar Road,
Palam,
Delhi Cantonment-10.
2. Principal Controller of Accounts (FYS),
10/Shaheed Khudiram Bose Road,
Kolkata-700001.
3. Controller of Finance & Accounts,
At/Po.Badmal,
Dist.Bolangir-767770.
4. Sri Praveen Kumar,
Accounts Officer,
Office of the AO,
GE 1,AF,
Shillong,
Meghalaya

... Respondents

By the Advocates: Mr.M.K.Das

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0 R D E R

A.K.PATNAIK, MEMBER (J)

This OA has been filed under section 19 of the A.T.Act, 1985 praying interalia as under:

“(i) To pass an appropriate order directing upon the respondent No.1 to re fix seniority of applicants above Shri Praveen Kumar as per the Circular of DOPT dated 4.11.1992.

(ii) To pass appropriate order for delinking confirmation from seniority;

(iii) To pass appropriate order directing upon the respondent no.1 to reconsider the decision communicated on 7.6.2012 after taking into account the recommendation of respondent no.2 through their letter dated 12.4.2012”.

2. Heard Mr.U.K.Mishra, Learned Counsel for the Applicant and Mr.M.K.Das, Learned Additional Standing Counsel appearing for the Respondent and perused the records.

3. The said order of rejection reads as under:

“...Hqrs office vide their letter No.AN/XI/11071/ROSTER/AAO/VOL.VIII dated 21/05/2012 has intimated that the cases of the applicants regarding re-fixation of their seniority in order of merit, rank earned in SSC exam have been examined at their end and the following remarks are offered:

(1) As per condition no.7 of pre-recruitment terms and conditions, it is stipulated that SAS Apprentices will be eligible for confirmation as Section Officer (Accounts) after passing SAS Part II Examn. The confirmation is, however subject to his being considered fit in all respects for permanent retention in the service and seniority of directly recruited SO (A) shall rank immediately below the last SAS Part II

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Exam. Passed person promoted to SO (A) grade on the date on which he takes over charge as regular SO (A);

(2) Although all the applicants earned higher SSC Rank (Zonal) than their conferee but as they passed SAS Part II Exam in 2001 i.e. later than Shri Praveen Kumar who passed this examination in 2000 and assumed charge as SO (A) much earlier than all the Applicants, as such contention to re-fix their seniority above Shri Praveen Kumar cannot be acceded to.

4. The Rule has not been assailed in this OA nor is it the case of the Applicant that the decision is contrary to the provision of the rule existing in the matter of fixing the seniority. The Respondents are bound to act as per the Rules. Passing of the SAS Part II Examination being a pre condition and as Shri Praveen Kumar has passed the SSA examination in 2000 and assumed the charge as SO(A) much earlier than the applicant who passed the SSAS examination only in 2001, therefore, acquiring the higher position ~~higher~~ in SSC Rank (Zonal) certainly cannot have any effect in fixing the seniority in the present organization. Hence we do not find any flaw on the said decision so as to admit this OA. This OA is accordingly dismissed at the stage of admission. No costs.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judl.)