

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 599 1993.

DATE OF DECISION 22.4.93

T. S. Varghese & V. Karunakaran Applicant (s)

Mr. N.D. Premachandran Advocate for the Applicant (s)

Versus

The Comptroller and Auditor General Respondent (s)
of India, Bahadur Shah Safer Marg, New Delhi and others

Mr. Tomy Sebastian, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicants are working as Sr. Accountants in the office of the A.G. Kerala, Trivandrum. They were directly recruited as UDCs in the year 1970. According to applicants as per para 288(d) of C.A.G's MSO(T) (A), a LDC on passing the Departmental Examination is entitled to get the salary at Rs. 150/- per mensem if they are not getting the salary of Rs. 150/-. Further clarifications issued on 17.11.64 and are 21.1.65/ (Annexures B and C). In the light of the aforesaid clarifications the applicants claim that they are also entitled to four increments on their appointment as UDC.

They have submitted representations for getting the benefit under Annexures A to C. These representations were rejected by the Accounts Officer by Annexure-H and I orders. Applicant have filed Annexure-J and K appeals before the Comptroller and Auditor General of India, New Delhi against orders at Annexure-H and I. These appeals have not ~~xxx~~ been disposed of so far. Hence, they have filed this application under section 19 of the Administrative Tribunals' Act with the following prayers:

- "a) to declare that the first applicant is entitled to get 4 advance increment w.e.f 6.11.71 and the 2nd applicant is entitled to get two more increments w.e.f. 6.11.71.
- b) to direct the first respondent to dispose of Annexure-J,K,L and M representation submitted by applicants and grant 4 advance increments to the applicants No. 1 and two increments to the applicant No. 2."

2. I have also heard learned counsel for respondents as well. He raised mainly two contentions (i) According to him the claim of the applicants arose from 1971 but the applicants were depending on representation for keeping alive their right. (ii) the benefit of aforesaid orders at Annexure-A to C are not available to applicants since they are directly recruited as UDCs. He has also stated that the benefit of Annexure-A has already been granted to the second applicant the applicants are not entitled to Annexures B and C.

3. The contention of the learned counsel for respondents that the application is belated cannot be accepted in the light of Annexures-H and I because the

representations filed by the applicants have been disposed of on 26.7.91. They have filed appeal against the said order before the first respondent and admittedly these appeals have not been disposed of so far. Hence, applications are well within time and there is no bar of limitation as contended by the learned counsel for respondents.

4. With regard to the other contention, since the matter is before the appellate authority, it will not be proper on my part to express any opinion before a decision is taken by the first respondent on the contentions raised by the applicant. Hence, I refrain from expressing my opinion.

5. Having heard/counsel on both sides, I am satisfied that this application can be disposed of at the admission stage itself. Accordingly, I admit the application and dispose of the same directing the first respondent to dispose of Annexures-J and K appeals and pass orders on the same as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this judgment.

6. There shall be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER
22.4.93

22.4.93

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