

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Applicaton No.74/2013

Tuesday..... this the *2nd* day of February 2016

C O R A M :

**HON'BLE Mr.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER**

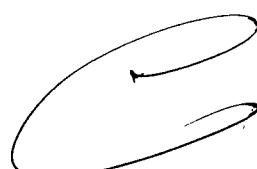
R.Krishnakumar,
S/o.K.Ramachandran Nair,
Upper Division Clerk, Dairy Development Department,
Government of Kerala, Pattom, Thiruvananthapuram – 4.
Residing at Suresh Bhavan, Mechery,
Kudappanakkunnu P.O., Thiruvananthapuram – 695 043.Applicant

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Communications & Information Technology,
Department of Telecommunications,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi – 110 001.
2. Under Secretary (SEA),
Department of Telecommunications,
No.716, Sanchar Bhavan,
Ashoka Road, New Delhi – 110 001.
3. Controller of Communication Accounts,
Office of the Controller of Accounts,
Kerala Circle, Trivandrum – 695 001.
4. Deputy Controller of Communication Accounts (Administration),
Office of the Controller of Communication Accounts,
Kerala Circle, Trivandrum – 695 001.Respondents

(By Advocate Mr.N.Anilkumar,Sr.PCGC)



This application having been heard on 21st January 2016 this Tribunal on 2nd February 2016 delivered the following :

ORDER

HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER

The applicant, who is presently working as an Upper Division Clerk in the Dairy Development Department of the Government of Kerala is aggrieved by the denial of consideration for appointment on permanent absorption basis as Senior Accountant along with many others who are identically situated. The applicant submits that he had responded to Annexure A-1 notification published by the 2nd respondent inviting application for appointment on permanent absorption basis against vacancies of Senior Accountants in the various offices enlisted in Annexure A-1. The applicant being eligible to be considered for such appointment on permanent absorption basis submitted his application and the same was forwarded by Annexure A-2. The applicant had given his choice station of posting on being permanently absorbed as Thiruvananthapuram. The applicant understands that the applicant's candidature was not considered by the respondents under the pretext that he was only an Upper Division Clerk in the Government of Kerala. The applicant submits that in terms of Annexure A-1, Upper Division Clerks with three years regular service in the grade are entitled to be considered for appointment on permanent absorption basis as Senior Accountant. The respondents had considered a large number of persons who were working as Upper Division Clerks not only in the Central Government but also in the State Government and granted them



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appointment also as Senior Accountant (for eg. Haridas.K). Relief sought for by the applicant is for consideration and absorption as a Senior Accountant in PB 2 + GP Rs.4200/- against one of the existing vacancies under the 3rd respondent with all consequential benefits arising therefrom.

2. Respondents in their reply submit that the Headquarters of Department of Telecom, New Delhi issued notification calling for applications for permanent absorption to the posts of (i) Lower Division Clerk (Group C), (ii) Junior Accountant (Group C) and (iii) Senior Accountants (Group B non gazetted) vide No.33-23/2005-SEA-II/Vol.II dated 12.8.2009 from employees of various Departments under Central Government/State Government fulfilling the prescribed eligibility conditions for appointment as a onetime measure. The applicant in the O.A was also one who applied for the post of Senior Accountant. Copy of his application is produced as Annexure R-1. Respondents point out that the application was not accompanied by "Attested copies of the ACR for last 5 (five) years" beside other documents. The ACR were essentially required for grading his candidature in the process of selection. In the instant case the application being incomplete without the ACRs of the full 5 years period, preceding the year of application, was one of the reason the candidature of the applicant was not considered. It is also submitted that as per the original notification dated 12/8/2009 the eligibility condition prescribed was as follows :

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For Senior Accountant :

(i) Officials holding analogous posts in various Ministries/Department of Central Government and State Governments on regular basis.

OR

(ii) UDCs/Junior Accountants/Auditors who have rendered not less than 3 years of regular service in the grade.

But subsequent to the notification dated 12/8/2009 a corrigendum was issued vide No.33-23/2005-SEA II/Vol.II dated 16/9/2009 according to which the eligibility conditions prescribed for Senior Accountant were as follows :

(i) Officials holding analogous posts in various Ministries/Department of Central Government and State Governments on regular basis.

(ii) Junior Accountants/Auditors who have rendered not less than 3 years of regular service in the grade.

3. A Committee was formed by DoT, New Delhi with specific terms of reference including criteria for selection of candidates. The Committee in para 4.1.2 of its report recommended that the basic criteria to be applied for selection of candidates shall be grading of ACR with minimum bench mark 'Good' in each of the years. In a further clarification vide letter 33-23/2005-SEA-II dated 24/8/2010 it was clarified that where an individual who has served on deputation basis in the office of the Controller of Communications Accounts (herein after referred to as CCA office) as on 17/12/2008 and beyond up to 15/2/2010 shall be considered for absorption in the first instance on fulfillment of the following conditions :



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- (i) Availability of vacancies in the grade.
- (ii) No objection certificate (NOC) by his parent Department.
- (iii) Signed declaration from the candidates accepting the terms and conditions of permanent absorption and
- (iv) Recommendations from CCA.

4. The relevant qualification for the post of Senior Accountant which the applicant, a UDC, had applied for as per corrigendum 33-23/2005-SEA II/Vol.II dated 16/9/2009 was :

- (i) Officials holding analogous posts in various Ministries/Department of Central Government and State Governments on regular basis.
- (ii) Junior Accountants/Auditors who have rendered not less than 3 years of regular service in the grade.

While perusing the above corrigendum dated 16/9/2009 produced as Annexure R-2, we note that there is nothing arbitrary in the revised qualifications as a UDC without any accountancy qualification can hardly be expected to deliver the job of Senior Accountant who would obviously be required to do accounts work including book keeping etc.

5. As per (i) in pre-para above preference was given to persons who had served on deputation basis in the respondents' office ie. Controller of Communication Accounts. The case of Shri.Haridas referred by applicant as an improper appointee, was on deputation in the CCA Office and also fulfills all other conditions/document requirements.

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6. Respondents have produced application form of applicant as Annexure R-1 which is not accompanied by ACRs. Applicant produces a letter dated 24.3.2010 from Director of Dairy Development Board to Under Secretary SEA forwarding his ACRs. But ACR is not material to the case as the applicant's ACR could be considered only if he fulfilled the engagement criteria of officials holding an analogous posts or post of Junior Accountant or the post of Auditor which he did not fulfill. Further the ACR was sent by the respondents after closing date of receipt of application on 24.3.2010 when there was clear instructions that ACRs received after last date will not be entertained. The case is also barred by limitation as applicant challenges a '2009' recruitment in 2013.

7. We find no merit in the case of the applicant. Accordingly the same is dismissed. No costs.

(Dated this the 2nd day of February 2016)


P.GOPINATH
ADMINISTRATIVE MEMBER


N.K.BALAKRISHNAN
JUDICIAL MEMBER

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