

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 695 OF 2000

TUESDAY, THE 3RD DAY OF JULY 2001

CORAM: SHRI JUSTICE BIRENDRA DIKSHIT. VICE CHAIRMAN
SMT. SHANTA SHASTRY. MEMBER (A)

Vilasini Balagopal,
Resident of 12/415 Tilak Nagar,
Tilak Nagar Post,
Chembur, Mumbai-400 089. ... Applicant

By Advocate Shri P.A. Prabhakaran.

Versus

1. Union of India through
Secretary, Ministry of Finance,
North Block, New Delhi-110 001.
2. Controller General of Accounts,
Ministry of Finance,
7th floor, Loknayank Bhavan,
Khan Market, New Delhi-110 003.
3. Pr. Chief Controller of Accounts,
Central Board of Direct Taxes,
9th floor, Loknayak Bhavan,
Khan Market, New Delhi-110 003.
4. Deputy Controller of Accounts,
ZAO/CBDT/Mumbai,
2nd floor, Aayakar Bhavan,
M.K. Road, Mumbai-400 020. ... Respondents

By Advocate Shri V.D. Vadhavkar.

O R D E R (ORAL)

Hon'ble Smt. Shanta Shastri.

.. Member (A)

The relief sought by the applicant in this case
is to give her the benefit of promotion to Steno
Grade-II either by upgradation of post as per the

h

procedure followed in the main office of the Income tax Department or in terms of the provisions of Assured Career Progression Scheme (ACP for short).

2. The applicant was initially selected through a competitive examination held by Staff Selection Commission for recruitment of Stenographers Grade III having qualified she was nominated to the office of the Chief Controller of Accounts, CBDT at Mumbai as Steno in the Zonal Accounts Office CBDT. The applicant joined there on 01.5.82. During the period, she was there, there was a system in the Income tax Department of granting 2 advance increments for Stenographers who would qualify 100 words per minute in stenography. The Income tax Department used to conduct such tests periodically and grant advance increments to the successful stenographers. The applicant could not appear in these proficiency tests, because technically she did not belong to the Income tax Service nor could she appear in the proficiency test conducted by the Staff Selection Commission (SSC for short) at the instance of the Income tax Department to earn the advance increments. On making representations to allow her to appear in the proficiency test, she was informed in March, 1985 that the said test was meant for stenographers in the subordinate offices and the

M

applicant is yet to be encadared in the establishment of C.I.T Bombay, as such her application is not being forwarded to SSC.

3. The applicant was, inducted into the Central Civil Accounts Service with effect from 1.5.1982 vide order dated 4.12.1985 and was confirmed with effect from 1.4.88 by order dated 23.8.89. The applicant kept making several representations, but failed to get the advance increments or upgradation to the Grade-II post of Stenographers.

4. It is the grievance of the applicant that she was not given any opportunity while she was in the Income tax Department to appear in the proficiency test to enable her to get the 2 advance increments as per the scheme of the department or to improve her career prospects.

5. The respondents submit that the applicant belongs to the Central Civil Accounts Service and she was confirmed in the service. Therefore, she was naturally not entitled to appear in the proficiency test conducted by the Income tax Department for advance increments. As far as SSC is concerned, she was allowed to appear in 1988 as well as in 1993 and she failed to qualify in the proficiency test conducted by the SSC on both the occasions and thus she could not get the promotion to

h

the next grade of Steno Grade-II. The learned counsel for the applicant drew our attention to a letter dated 11.3.96 whereby the applicant was advised to contact the concerned office of the SSC with regard to proficiency test, therefore, the learned counsel was of the view that the applicant had not been allowed to appear in the SSC proficiency test. However, this matter has been clarified by the respondents by producing relevant records. It is very clear that the applicant appeared in the proficiency test of the SSC and failed. This is also evident from the applicants own letter dated 15.3.93 admitting that she had appeared in the test of 1988 and also that the respondents had sent on a letter on 21.2.90 to the SSC to allow her to appear in the proficiency test.

6. Further, in regard to the ACP scheme the respondents have produced the circular dated 20th October, 99 from the Controller General of Accounts, Ministry of Finance, Department of Expenditure. In Annexure A para 4 of this circular, it has been clearly mentioned that "the stenographers Grade III in the scale of Rs. 4000 - 6000 are required to pass speed test in stenography conducted by the SSC at a speed of 100 words per minute as per the provisions of recruitment rules for promotion to Stenographer Grade II in the scale of Rs. 5000 - 8000. As such to become eligible for first upgradation on completion of 12 years of service

h

qualifying the speed test as per the recruitment rules is essential". It is abundantly clear from this that even to get the first promotion as per the ACP scheme the passing of the qualifying speed test is a precondition. Unless and until the applicant qualifies in the proficiency test, she will not be eligible to get the first upgradation after completion of 12 years.

7. In view of this position, in our considered view, there is no merit in the case. The OA is, therefore, dismissed without costs.

h auth f-

(SMT. SHANTA SHASTRY)
MEMBER (A)

B. Dikshit

(JUSTICE BIRENDRA DIKSHIT)
VICE CHAIRMAN

Gaja

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW APPLICATION NO. 52/2001
IN
ORIGINAL APPLICATION NO. 695/2000

THIS, THE 6th DAY OF SEPTEMBER, 2001

CORAM: SHRI JUSTICE BIRENDRA DIKSHIT
SMT. SHANTA SHASTRY.

VICE CHAIRMAN
MEMBER (A)

Smt. Vilasini Balagopal,
residing at 12/415, Tilak Nagar,
Tilak Nagar Post,
Chembur,
Mumbai-400 089.

.. Review Applicant

By Advocate Shri P.A. Prabhakaran.

Versus

1. Union of India through
Secretary, Ministry of Finance
NorthBlock, New Delhi-110 001.
 2. Controller General of Accounts,
Ministry of Finance,
7th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110 003.
 3. Pr. Chief Controller of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110 003.
 4. Dy. Controller of Accounts,
Zonal Accounts Office, CBDT,
2nd Floor, Aykar Bhavan,
M.K. Road, Mumbai-400 020.
- .. Respondents

O R D E R


Smt. Shanta Shastri. .. Member (A)

By this review application, the applicant in OA
695/2000, which was dismissed, has sought to review the
order dated 3.7.2001.

2. The review applicant has submitted that she had asked for upgradation and not for grant of 2 advance increments. The recruitment rules do not specify the authority as to who will conduct the proficiency test for the Stenographers. Nowhere it is stated that the test is to be conducted by the Staff Selection Commission. The respondents have misled the Tribunal by creating an impression that the Staff Selection Commission is the sole authority to conduct the examination. This is not substantiated with relevant circulars. The respondents in the OA have also been confused between the upgradation and advance increments.

3. The applicant's office is an attached subordinate office of the same organisation i.e. CBDT under the same Ministry of Finance. A few officials belonging to Stenographer Grade III have been promoted on 21.11.95 to Grade II without their appearing for any qualifying test either by the department or the Staff Selection Commission. There should not be two different yardsticks for upgradation for the same post.

4. Further, three senior accountants in the office of the Zonal Accounts Officer, CBDT Mumbai have been given the benefit of Assured Career Progression without qualifying in the JAO examination, which is a pre-requisite for such benefit. Senior accountants have been granted relaxation by higher authorities.



5. It is seen from the grounds taken by the review applicant that she is trying to re-argue the case. Resort to review of the judgment can only be made when there is a glaring omission or apparent mistake or grave error which had crept in by judicial fallibility. Parties are not entitled to seek review of the judgment delivered by the Tribunal merely for the purpose of re-hearing and fresh decision of the case. The applicant had ample opportunity to argue the case. The order was dictated in the open court. In our considered view, it is not a fit case for review. Accordingly, the review application is rejected.

Shanta Shastri

(SHANTA SHASTRY)
MEMBER (A)

Birendra Dikshit

(BIRENDRA DIKSHIT)
VICE CHAIRMAN

Gaja