

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

Present: Hon'ble Shri Ch. Ramakrishna Rao, Member (J)
and

Hon'ble Shri P. Srinivasan, Member (A).

DATED THIS THE SEVENTH DAY OF NOVEMBER, 1986.

Application No. 734 of 1986

Between:

Shri D.V. Bandiwad,
Rajajinagar,
Bangalore.Applicant.
(Shri M.S. Nagaraja, Advocate)

and

1. The Controller of Accounts (Admn.),
Office of the Chief Controller of Accounts,
C.B.D.T. 9th Floor,
Loknayak Bhavan, Khan Market,
New Delhi.
2. The Union of India,
rep. by its Secretary,
Ministry of Finance (Dept. of Expenditure),
New Delhi.
3. Shri M.S. Narayanaswamy,
Junior Accounts Officer (Selection Grade),
O/o Zonal Accounts Officer,
C.B.D.T. Central Revenue Buildings,
Bangalore-1.

... Respondents.

(Shri M. Vasudeva Rao, Advocate).

This application having come up for hearing on 30.10.1986
before this Court and the matter having stood over for consideration
till this day, the Member (J) delivered the following:

ORDER

The applicant was working as a Junior Accounts Officer (JAO) since 23.5.1981 in the office of the Zonal Accounts Officer (ZAO). He was drawing a pay of Rs. 580/- in the scale of 500-900 w.e.f. 23.5.1985. The Respondent No. 3(R3) was promoted as JAO in ZAO w.e.f. 30.8.1982. Though R3 was promoted one year and three months after the applicant was promoted, his pay was fixed at Rs. 775/- since he had put in service of over 25 years in the lower cadres before his appointment to the present post. Based on the recommendations of the Third Pay Commission, a memorandum (memo) dated 10.1.1977 was issued by the Respondent No.2 (R2), according sanction for the introduction of selection grades (SG) posts. The conditions governing the filling up of these posts, as appearing therein, are:

Ch. Ans

Shri M. Vasudeva Rao, learned counsel for the respondents, however, submits that the twin conditions regarding length of service and crossing of 3/4th of the span of the original scale need not necessarily co-exist, and the decision of the administration regarding fulfilment of only one condition is not illegal. Shri Vasudeva Rao further submits that the applicant is not 'an aggrieved person', since he has not fulfilled the norms prescribed in the memo or in the OM referred supra, and he is, therefore, not entitled to any relief.

We have carefully considered the m contentions raised on behalf of the parties, and are satisfied that there is no substance in the submission made by Dr. Nagaraja. The rationale underlying the change in the conditions has been brought out in paragraph 2 of the OM as follows:

" When the recommendation of the Third Pay Commission in paras 51-53 of Chapter 8 of their Report was discussed in the Anomalies Committee of the National Council, the Staff Side pointed out that the recommendation that the Selection Grade should not be granted to an employee until he has covered, three fourths' span of the revised scale would be disadvantageous to the employees in Groups 'C' & 'D' because in the matter of fixation of pay revised scales, on the recommendation of

Ch. 2

the Third Pay Commission, point to point fixation was not resorted to. It is in this context that the provision in para 1(v) of decision No.(65) above was ~~resorted~~ made and the stipulation regarding 14 years' service was incorporated because service in the pre-revised scale was also taken into account. It is, therefore, clarified that an employee who has crossed 3/4th span of the revised scale of pay of the Ordinary Grade will be eligible for the grant of Selection Grade, even if he does not ~~fmk~~ fulfil the length of service criterion mentioned in para 1 (v) ibid."

The reasons given for deleting the stipulation regarding 14 years' service has been explained convincingly in the extracted paragraph above, and we see no reason to differ. Further, it is also pertinent to note that the applicant is not in any way aggrieved by the change brought about in the conditions, since he has not yet crossed 3/4th span of the revised scale of pay of the ordinary grade, and he is not, therefore, entitled to any relief.

In the ~~xxx~~ result, the application is dismissed; parties to bear their own costs.

Ch. Ramakrishna Rao

(Ch. Ramakrishna Rao)
Member (J)
7.11.1986.

P. Srinivasan
7.11.1986.

(P. Srinivasan)
Member(A)
7.11.1986.

dms.