

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 6 SEP 1988

APPLICATION NO.

954

✓ 88(F)

W.P. NO.

Applicant(s)

Respondent(s)

Shri B. Perumal

v/s

To New Delhi & 2 Ores

New Delhi & 2 Ors

Reed 1. Shri B. Perumal
Alimony Senior Accountant
6/9/88 Field Pay Unit
C-55 Office of the Chief Commissioner
of Income-Tax
Central Revenue Building
Queens' Road
Bangalore - 560 001

4. The Accountant General
Karnataka
Bangalore - 560 001

5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

2. The Controller General of Accounts
Ministry of Finance
Department of Expenditure
7th Floor, Lok Nayak Bhavan
Khan Market
New Delhi - 110 003

3. The Comptroller & Auditor General
of India
No. 10, Bahadur Shah Zafar Marg
New Delhi - 110 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER passed by this Tribunal in the above said application(s) on 30-8-88

Encl : As above

0/C Deputy Registrar
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 30TH DAY OF AUGUST, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 954/1988

Shri B. Perumal,
S/o Shri P. Balakrishnan,
Senior Accountant,
Field Pay Unit,
O/o the Chief Commissioner
& Commr. of Income Tax,
Karnataka, Goa & Kerala,
Bangalore.

.... Applicant.

v.

1. Controller General of India,
New Delhi.

2. The Comptroller & Auditor
General, New Delhi.

3. The Accountant General,
Karnataka, Bangalore.

.... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1995
(the Act).

2. Shri B. Perumal, the applicant before us is a
member of a Scheduled Caste (SC) and is a permanent
employee in the Department of Controller General of
Accounts (CGA).



3. The applicant was one of the candidates for the All India Departmental Examination called JAO Civil Examination (Examination) held by the CGA in October 1987. In that examination, he had secured 33 marks out of 100 in Cost Management Accounts Paper and 264 marks as against 270 in the aggregate prescribed as minimum for passing. On this deficiency the CGA had declared the applicant as 'failed' in the examination and the same is challenged by him in this application on the ground that the same is contrary to the orders made by Government, ~~the~~ ruling of the Supreme Court in Civil appeal No.2952/84 COMPTROLLER AND AUDITOR GENERAL v. JAGANNATHAN AND ANOTHER decided on 1.4.1986 and the order of Principal Bench of this Tribunal in O.A. No.659/87 BIHARI LAL v. DELHI ADMINISTRATION decided on 4.1.1988.

4. In justification of their action, the respondents have filed their reply.

5. Shri Perumal contends that on a true construction of the orders made by the Government as interpreted by the Supreme Court in Jagannathan's case and the Principal Bench in Bihari Lal's case, the CGA should have declared him as passed in the examination.

6. Shri M. Vasudeva Rao, learned additional standing counsel appearing for the respondents sought to support the action of the respondents.

7. We have carefully read the orders made by Government, the ruling of Supreme Court in Jagannathan's case

and the Principal Bench in Bihari Lal's case. On the very terms of the orders made by Government as interpreted by the Supreme Court in Jagannathan's case and this Tribunal in Bihari Lal's case, the CGA with due regard to the marks secured by the applicant could not have declared him as 'failed' and should have declared him as 'passed' in the examination.

8. In the light of our above discussion, we allow this application and direct the respondents to declare the applicant as 'passed' in the examination held in October 1987 and regulate his conditions of service on that basis.

9. Application allowed. But in the circumstances of the case we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN 20/11/

Sd/-

MEMBER (A) 1/20/87

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL) 67/5
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

