

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)
 Indiranagar
 Bangalore - 560 038

Dated : 16 AUG 1988

APPLICATION NO. 111 to 114 / 88(F)

W.P. NO. _____

Applicant(s)

Shri S. Ranga Raju & 3 Ors

To

1. Shri S. Ranga Raju
 Senior Auditor
 Office of the Accountant General
 (Audit - I)
 Karnataka
 Bangalore - 560 001
2. Shri K.S. Narasimha Murthy
 Accounts Officer
 Office of the Accountant General
 (Accounts & Entitlements)
 Bangalore - 560 001
3. Shri Samuel James
 Auditor
 Office of the Accountant General
 (Audit - I)
 Karnataka
 Bangalore - 560 001
4. Shri M.V. Jayaramaiah
 Auditor
 Office of the Accountant General
 (Audit - I), Karnataka
 Bangalore - 560 001

Respondent(s)The Comptroller & Auditor General,
 New Delhi & 2 Ors

5. Dr M.S. Nagaraja
 Advocate
 35 (Above Hotel Swagath)
 1st Main, Gandhinagar
 Bangalore - 560 009
6. The Comptroller & Auditor General
 of India
 No. 10, Bahadur Shah Zafar Marg
 New Delhi - 110 002
7. The Accountant General (Audit-I)
 Karnataka
 Bangalore - 560 001
8. The Accountant General
 (Accounts & Entitlements)
 Karnataka
 Bangalore - 560 001
9. Shri M. Vasudeva Rao
 Central Govt. Stng Counsel
 High Court Building
 Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~STAY / IMPERSONAL ORDER~~
 passed by this Tribunal in the above said application(s) on 10-8-88.

Encl : As above

Y. R. Rao
17-8-88

o/c

for DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 10TH DAY OF AUGUST, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NOS. 111 TO 114/1988

1. Shri S. Ranga Raju,
Major, s/o R.S. Gopalan,
Senior Auditor,
O/o the Accountant General (Audit-I)
Karnataka, Bangalore.
2. Shri K.S. Narasimha Murthy
Aged about 50 years,
S/o Shri K. Subbaraya,
Accounts Officer,
O/o the Accountant General,
(Accounts and Entitlements),
Bangalore.
3. Shri Samuel James,
Aged about 52 years,
S/o Albert Ponon James (late)
Auditor, O/o the Accountant
General (Audit-I)
Karnataka, Bangalore.
4. Sri M.V. Jayaramaiah,
Aged 31 years,
S/o Veerahanumaiah,
Auditor, O/o the
Accountant General (Audit-I),
Karnataka, Bangalore.

Applicants.

(Shri M.S. Nagaraja, Advocate)

v.

1. The Controller and Auditor
General of India,
No.10, Bahadur Shah Safar Marg,
New Delhi.

The Accountant General (Audit-I),
Karnataka, Bangalore.

The Accountant General,
(Accounts and entitlements),
Karnataka, Bangalore.

Respondents.

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



These applications having come up for hearing
to-day, Vice-Chairman made the following:

O R D E R

These are, applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985, (Act).

2. All the four applicants who are working in one or the other capacity in the Office of the Accountant General, Karnataka, Bangalore (AG) have passed the final examination of the Institute of Costs and Works Accountants (Institute) before 7.9.1987.

3. On 7.9.1987, the Controller and Auditor General of India, New Delhi (C&AG) made an order (Annexure A-1) allowing six advance increments to those that pass the final examination of the Institute. The applicants claimed before the authorities for extending the benefits of this order to them. But on 13.11.1987, the C&AG had rejected the same on the sole ground that they had passed the examination before 7.9.1987. Hence these applications.

4. The respondents have filed their reply resisting these applications.

5. Dr. M.S. Nagaraja, learned counsel for the applicants contends that on the very terms of the order dated 7.9.1987, and otherwise also the applicants who had passed the final examination of the Institute were entitled for the benefit of six advance increments from the date of that order.

6. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents, sought to support the order of the C&AG made on 13.11.1987.



7. In his order made on 7.9.1987, the C&AG had extended six advance increments to those who had passed the final examination of the Institute. This order itself does not stipulate that the same is allowable ~~to~~ to those that had passed the examination only after its issue and not before that. If that is so, then the applicants who had passed the final examination even before that order are also entitled to the benefit of six advance increments from the date of that order.

8. Even otherwise, to deny benefits on the ground that they had passed the examination before the order was made, is simply unreasonable, incongruous and is discriminatory. On this view also, the respondents were not justified in rejecting the claim of the applicants.

9. On any view the claim of the applicants for grant of six advance increments from the date of the order of the C&AG cannot be denied to them. From this it follows that the impugned order is liable to be quashed and appropriate direction issued to the respondents.

10. In the light of our above discussion, we make the following orders and directions:

(1) We quash Order No. Bills II/Audit I/SR 1/87-88/387 dated 13.11.1987 (Annexure-A3).

(2) We direct the respondents to extend the benefits of six advance increments



to the applicants from the date of the order of the C&AG dated 7.9.1987 (Annexure-A-1) regulating all further increments including adjustments, if any in accordance with law.

11. Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN (D/P)

Sd/-

MEMBER (A)

TRUE COPY



for haas
for DEPUTY REGISTRAR (6/1987)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE