

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 267/93

Transfer Application No.

Date of Decision 5.2.92.

J.D.Ughade

Petitioner/s

Shri M.A.Mahalle

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri R.K.Shetty

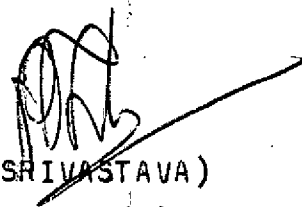
Advocate for
the Respondents


CORAM :

Hon'ble Shri.B.S.Hegde, Member (J)

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

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒


(P.P.SRIVASTAVA)
MEMBER (A)


(B.S.HEGDE)
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

DA.NO. 267/93

5th this the day of February, 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)
Hon'ble Shri P.P.Srivastava, Member (A)

Jagannath Deoji Ughade
resident of 24, Chikhalwadi,
Khadki, Pune.

By Advocate Shri M.A.Mahalle ... Applicant

V/S.

1. Union of India
through The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Controller General of
Defence Accounts,
R.K.Puram, South Block,
New Delhi.
3. Controller of Defence
Account (Officers)
Golibar Maidan, Pune.

By Advocate Shri R.K.Shetty ... Respondents
C.G.S.C.

O R D E R

(PER: Shri B.S.Hegde, Member (J))

Heard Mr. M.A.Mahalle for the applicant
and Mr.R.K.Shetty for the respondents.

2. Though the order is reserved for
delivering the judgement in October, 1996,
the respondents had been directed to furnish
the original of R-III, number of vacancies in
1984 both general and SC/ST and number of candidates

684

both general and SC/ST who appeared in examination and number of candidates of general and SC/ST who got selected without and with relaxed standard, the same was submitted by the respondents in December, 1996, therefore the judgement could not be delivered for want of original record.

3. In this OA. the applicant has challenged the impugned order dated 4.2.1992 stating that the matter was examined by them in consultation with the Ministry of Defence and it has been decided not to allow any further relaxation to the SC/ST candidates of Part II Examination held in 1980 to 1984 as necessary relaxation in qualifying standards as per extent orders has already been admitted in their cases.

4. The applicant joined as LDC in the year 1960 and promoted as UDC in the year 1965. He cleared Part-I examination in the year 1978 and he was qualified for promotion to S.O. after passing Part-II examination. In 1982 he was appointed as Senior Auditor. He passed SAS Part-II examination in July, 1984. The contention of the applicant is that he passed the SAS examination in 1984 and for want of documents, we could not deliver the judgement and therefore, the SAS Part-II result register was called for. The further

BK2

contention of the applicant is that the benefit of the Supreme Court decision in The Comptroller and Auditor General of India and Anr. vs. K.S.Jagannathan and anr. 1986(1) SLR 712, should be extended to him in view of the Circular dated 24.1.1977.

5. In reply the respondents have submitted that the applicant has failed in Part-II examination and he secured 28 + 31 marks in paper VII and VIII. This was 15 marks less than the minimum of 74 marks required by him in order to pass the examination. The respondents also allowed additional 3% marks as a relaxation for SC/ST candidates but inspite of a relaxation of 3% i.e. 6 marks the applicant did not pass the examination. The applicant is relying on the above Supreme Court judgement in which the SC/ST candidates of C & AG department were allowed a relaxation of upto total of 25 marks in the individual papers or in the aggregate of the S.A.S. Part-II examination conducted by the Comptroller and Auditor General of India between 1980 to 1985. The respondents further submitted that the SAS Part II examination in the applicant's case is conducted by the Defence Accounts Department and not by Comptroller and Auditor General of India.

Mr

The respondents further submitted that the syllabus as well as subjects for the SAS (Part-II) exam conducted by the respondents is largely different from the syllabus and subjects at the SAS(Part-II) exam conducted by the Comptroller and Auditor General of India and also the duties and responsibilities of a Section Officer (Accounts) in the Office of the respondents are different as compared to the duties and responsibilities of a Section Officer (Accounts) in the Office of the Comptroller & Auditor General of India.

6. The respondents also submitted that whenever a qualifying examination is held, relaxation to the SC/ST candidates is to be allowed after taking into account all the relevant factors mentioned in the O.M. dated 21.1.1977. In the SAS Part II Examination held by the Department during 1984, Controller General of Defence Accounts, New Delhi being the head of the Department had allowed a relaxation of 3% marks in individual papers or in aggregate to the SC/ST candidates after taking into account all the factors mentioned in the O.M. dated 21.1.1977 into consideration. The counsel for the respondents stated that since the applicant had not obtained the requisite

Mr

qualifying marks, he could not be promoted.

On perusing the result of the SAS Part-II examination we find that the applicant has secured 203 marks out of 500 marks and minimum marks required is 225, thereby he could not be promoted.

7. In the result, having gone through the records of the department, we are satisfied that since the applicant could not qualify in the examination held in 1984, the action taken by the respondents is in accordance with the rules and cannot be faulted with. Hence, we do not find any merit in the OA., it is dismissed. There will be no orders as to costs.



(P.P. SRIVASTAVA)
MEMBER (A)



(B.S. HEGDE)
MEMBER (J)

mrj.