

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. No. 351 of 1987

Date of the order: 19-10-1989.

I. Panduranga Reddy

: Applicant

Versus

The Accountant General (Audit-1),  
A.P., Hyderabad & others

: Respondents

Appearance:

For the applicant : Mr. K. G. Kannabhiran, Advocate

For the Respondent No. 1 : Mr. E. Madan Mohan Rao, Standing  
Counsel for Central Govt.

For the Respondents No. 2, 3 and 5 to 8 & 10 to 19 Not present  
in person or through their Advocate.

For the Respondents No. 4 and 9: Given up by letter dt.  
28-12-88.

CORAM:

The Hon'ble Mr. D. Surya Rao, Member (Judicial)

A n d

The Hon'ble Ms. Usha Savara, Member (Admn.)

(Judgment of the Bench delivered by the Hon'ble Mr. D. Surya Rao,  
Member (Judicial)).

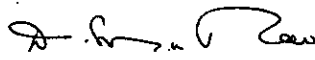
The applicant herein is working as a Section Officer  
in the Office of the Accountant General, Andhra Pradesh,  
Hyderabad. He has filed this Application for a direction  
declaring the orders dated 20-3-87, 31-3-87 and 1-4-87  
passed by the first Respondent <sup>are</sup> illegal and void and for a  
direction <sup>to</sup> the first Respondent to promote him as Assistant  
Audit Officer from the date of appointment of his junior,  
with all consequential benefits.


(31)

2. By the impugned orders, the applicant has been denied promotion. The non-promotion of the applicant was referred to in para 6 of the counter of the Respondent No.1. It is stated therein that, <sup>shen</sup> disciplinary proceedings ~~were~~ initiated ~~against~~ the applicant and others, they filed Writ Petition No.985 of 1982 before the High Court of Andhra Pradesh and the High Court by its judgment dated 10-8-82 held that the provisions of C.C.S. (Conduct) Rules, 1964 were not applicable to the members of Indian Audit and Accounts Department. A Writ Appeal was preferred to the High Court of Andhra Pradesh viz. W.A.No.754 of 1982. Stay of enquiry was ordered during the pendency of the Writ Appeal. It is <sup>stated that</sup> as a consequence of the charges framed against the applicant and the enquiry being held, that ~~he~~ ~~the applicant~~ could not be promoted. The enquiry also could not go ahead due to pendency of the Writ Appeal. It is also brought to our notice by the learned Standing Counsel for ~~the~~ Respondent No.1 that the Writ Appeal has since been dismissed by the High Court but the matter has been carried in appeal to the Supreme Court and the same has been admitted. The counter also discloses that during the interregnum i.e. between 1979 and till date, the full bench of this Tribunal has, in K.Ch.Venkata Reddy and others Vs. Union of India (ATR 1987 (1) CAT 547) given certain directions in regard to giving promotions when ~~the~~ Sealed cover procedure is followed. After the decision of the full bench of the Tribunal, it is stated that the ~~seals were not opened and the~~ applicant was promoted on adhoc basis as Assistant Audit Officer subject to certain conditions. It is, thus, clear that the applicant has substantially received the relief asked for namely promotion to the post of Assistant Audit Officer though on adhoc basis. In the circumstances,

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since the matter is seized of by the Supreme Court, the question of further enquiry against the applicant would depend upon the final decision of the Supreme Court in the matter. In so far as this Tribunal is concerned now, no further direction appears to be necessary in this <sup>case</sup> since the applicant has received his promotion <sup>through</sup> ~~now~~ on adhoc basis. The application is accordingly disposed of as ~~it has become infructuous~~ <sup>no further order is necessary now</sup>. The question of his regular appointment, arrears of pay, etc. would depend upon the final orders of the Supreme Court in the appeal before it. In the circumstances, there will be no order as to costs.

  
(D. SURYA RAO)  
MEMBER (J)

  
(USHA SAVARA)  
(MEMBER (A))

Dated: 19th October, 1989.  
Dictated in open court.

mhb/

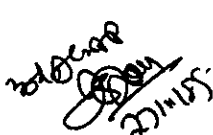
  
DEPUTY REGISTRAR (J)  
11/10/89

To:

1. The Accountant General (Audit-I)  
Andhra Pradesh, Hyderabad-500 463.
2. One copy to Mr. K. G. Kannabiran, Advocate, 10-3-29/2,  
East Maradpally, Secunderabad.
3. One copy to Mr. E. Madan Mohan Rao, standing counsel for  
Central Govt., CAT, Hyderabad.
4. One spare copy.

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kj.

  
22/10/89