

109

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.683/93

Date of Order: 12.10.1993

BETWEEN:

1. K.Indrasena Reddy
2. G.L.K.Sharma
3. K.Meera Bai
4. B.Hari Prasad
5. G.Kiran Kumari
6. B.Kanaka Lakshmi
7. C.Sreekanth
8. M.P.Daniel
9. S.Saraswathi
10. R.Srinivasa Rao
11. S.Yadagiri Swamy
12. M.Venakumari
13. D.Raja Singh
14. P.Shamapha Jugi
15. T.P.Shantakumari
16. A.Prasada Rao
17. G.Venkateswar Rao
18. N.Krishnamurthy
19. M.Kondaiah
20. Purushotham
21. K.Shravan Kumar
22. P.Veerabose
23. V.K.K.Chandra babu
24. D.V.Kusuma Kamala
25. Prabhakar Patil
26. Ram Prasad Soni
27. G.Raghava Rao
28. T.Prabhakara Rao
29. J.Dharma Rao
30. K.Gopala Rao
31. P.L.N.Sharma
32. Ch.Jawaharlal
33. R.V.Kameswari
34. B.V.Vijaya Saradhi
35. Mohd.Yunus
36. G.R.C.Dutt 36. T. Romulus
38. K.Sowbhagya Lakshmi
39. T.Lakshmana Murthy
40. P.Singaiiah

.. Applicants.

(O.A. is dismissed in respect of 4, 6, 7, 15, 18, 19, 24, 25, 29, 30, 34 and, 36. & 37.)

A N D

1. The Comptroller and Auditor General of India, Post Bag No.7, New Delhi.
2. The Principal Accountant General, Hyderabad.
3. The Deputy Accountant General (Admn.) O/o.Principle Accountant General, Audit, A.P. Hyderabad.

-- Respondents.

110

.. 1A ..

Counsel for the Applicants

.. Mr.J.Sudheer

Counsel for the Respondents

.. Mr.G.Parameswara Rao
S.C. for A.G.

CORAM:

HON'BLE Mr. JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE Mr.P.T.THIRUVENGADAM : MEMBER (ADMN.)

IBAP
S
H

..2

J U D G M E N T

{ as per Hon'ble Sri Justice V.Neeladri Rao, Vice Chairman }

....

This O.A. was filed by Senior Auditors/Auditors/
Clerks in Principal Accountant General(Audit)/
Accountant General(Audit), Hyderabad praying for declaring
the proceedings No.Prl.AG/ADMN/I/Deptn/8-98/93-94/00 No.
39 dated 3.6.1993 whereby ten (10) SOGE (Section Officer
(Accounts) Grade Examination) passed out Accountants working in the
office of the Accountant General (A&E), Andhra Pradesh,
Hyderabad were appointed as Section Officers (on deputation)
from the date they report in the said office as null and
void, violative of Articles 14 & 16 of the Constitution of
India, violative of Manual of Instructions of re-structuring
of ^{CG} cadres in IA and AD, and violative of Indian Audit and
Accounts Department (S.O.(Accounts) and S.O.(Audit))
Recruitment Rules, 1988 and to direct the respondents to
repatriate the deputationists back to Accounts and to
further direct the respondents to promote the applicants
to the posts of Section Officer (Audit) atleast on adhoc
basis.

2. This O.A. was dismissed as infructuous in regard to
the applicants 4, 6, 7, 15, 18, 19, 24, 27, 29, 30, 34, 36
and 37 on 6.10.1993 on their representation that they were
regularly promoted as Section Officer (Audit) during the
pendency of this O.A. when they passed SOGE(Audit), and
for convenience the remaining applicants are referred to as
'Applicants'.

...3/-

202/93

3. The relevant facts which give ^{rise} ~~rise~~ to the impugned proceedings are briefly as under:-

In 1984, there was re-structuring of the offices of ~~the offices of~~ the State Accountants General in order to develop an organisational pattern suited to the altered needs of audit and to improve the maintenance of the accounts of the State Government transactions and to evolve a suitable staffing pattern to meet the needs of audit and accounts. As per the said scheme, Accountants General offices are bifurcated into two distinct offices with separate cadres. The AG (A & E) deals with accounts and Entitlements, and AG (Audit) is in complete charge of all audit work including the administration of the ~~the~~ cadres of the staff transferred (who will sever~~all~~ link with the A & E cadre). For implementation of the said scheme which had come into effect from 1.3.1984, the staff who were working in the cadres of Clerk, Auditors, ^{Accountants} Section Officers, and Audit ^{Account} Officers were required to exercise their option either to continue in 'A & E' or to opt for 'AUDIT'. It was also ^{stated} ~~visualised~~ ^{if} that those who opted for 'Audit' were more ~~and~~ ^{and} then, on the basis of seniority and scrutiny the employees ~~were being~~ ^{would be} taken to Audit Wing.

4. The corresponding new structure from 1.3.1984 to the old structure is as under:-

Existing posts	Corresponding posts	
	A & E office	Audit office
1	2	3
I. Various Group 'C' and 'D' posts not specified below.	As in column 1	
II. Clerk/Typist	Clerk/Typist	Clerk/Typist

...4/-

3rd PG

(125)

to fill up such posts and ^{whether} ~~if in such cases~~ whether the same can be filled up on adhoc basis when eligible candidates for promotion are not available, and when even when eligible candidates are not available for transfer or transfer on deputation. The learned counsel for the applicants referred to the instances in Telecommunications where adhoc promotions are being given to the employees in the lower cadre even when they are not eligible for promotion, and also the instances before restructuring was introduced on 1.3.1984 in the Accountants General office. It is not for the court or Tribunal to express as to how the concerned authority has to fill up the posts in such contingencies. But, we intend to make it clear that eventhough we are not granting the relief prayed for the applicants to the effect that they should be appointed on adhoc basis, the same cannot be construed as a bar for promoting them as Section Officer(Audit) on adhoc basis, if the concerned authority feels that it is necessary to fill up the posts of Section Officer(Audit) and that there is no possibility of filling them by transfer or transfer on deputation.

18. The O.A. is ordered accordingly. No costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)
Member(Admn.)

V. Neeladri Rao

(V.Neeladri Rao)
Vice Chairman

Dated 12th October, 1993.
(Dictated in the open court)

Grh.

A 82/10/93
Dy. Registrar (Admn.)

14. P.S.
7+

Contd. - 17/ -

20/12/93 A 683/93
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 12/10/ -1993

ORDER/JUDGMENT: *[Signature]*

M.A./R.A./C.A.No.

in

O.A.No.

683/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

