

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.498/93

Date of Order: 13.11.96

BETWEEN:

M.Solomon Raju

.. Applicant.

AND

1. Union of India, rep. by its Secretary, Ministry of Finance, Controller & Audit General, New Delhi.
2. The Accountant-General, Accounts & Entitlements, A.P., Hyderabad.
3. P.V.Gopala Krishna
4. Mohd.Riazul Rahman
5. Smt. K.Nagamani.I
6. C.Seshaiah Setty
7. K.Chandra Mohan
8. K.Anjaneyulu
9. P.Sambasiva Rao
10. P.Shah Ali Saheb
11. P.Rajamohan Roy
12. C.D.B.Prem Kumar
13. B.Pitchi Raju
14. S.Krishna Murthy
15. Smt.R.S.Premalatha
16. Mohd. Abdul Haleem
17. Smt.S.LeeLavathi
18. T.Gopalakrishna Murthy
19. B.Appa Rao (S.C)
20. Smt. B.Amarajyothi.

.. Respondents.

Counsel for the Applicant

.. Mr.B.Nalin Kumar

Counsel for the Respondents

.. Mr.G.Parameshwar Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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[Signature]


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the benefit of promotion to the applicant retrospectively on the basis of recommendations made by the DPC".

4. The applicant now submits that he is entitled for promotion to the post of Accounts Officer as he has fulfilled the recruitment rules for promotion to that grade and the disciplinary proceedings are not completed yet. Hence due to the delay he should not put in disadvantageous position and should be promoted as Accounts Officer even on adhoc basis as per rule. He further submits that his representation in this connection went unheeded.

5. Aggrieved by the above the applicant filed this application praying for a direction to R-1 and R-2 to promote him as Accounts Officer with retrospective effect from the date his immediate junior in the cadre of Section Officers was promoted as Accounts Officer and other consequential reliefs.

6. The learned standing counsel submits that the applicant could not be promoted as ^{an} Accounts Officer as he has not fulfilled the required ^{condition in} recruitment rules for promotion to the post of Accounts Officer. He further submits that the applicant should be a regular Assistant Accounts Officer with 5 years of regular service even counting the regular service as Section Officer. But he has not been regularised as ^{to} A.A.O. in view of the pending disciplinary proceedings. Further the promotion to the post of A.O. if given will be a second adhoc promotion and hence two adhoc promotions cannot be given as per rule. The applicant relies on the circular dt. 14.9.92 to state that he is entitled for promotion to the post of A.O. in view of the provisions contained in para-4&5 of the said circular.

7. We have perused that circular. Adhoc promotion can be given keeping in view certain aspects as enumerated in para-5 of that circular. It is possible that even if the applicant gets a favourable order from this court  the respondents

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr. Solomon Raju, Party-in-Person and Mr. G. Parameshwar Rao, learned standing counsel for the respondents.

2. The applicant while working as Section Officer was issued with ^{two} ~~two~~ chargesheets on 21.9.79 and 15.10.79 under the CCS (CCA) Rules. The applicant filed a Writ Petition in the Andhra Pradesh High Court that he being an official of the IA&AD, the CCS Conduct Rules are not applicable to him. That Writ Petition was allowed by a Single Bench. Then that order was appealed against by the respondents which was also dismissed confirming the order of the Single Judge. Against that judgement of appellate court ^{the} respondents filed SLP in the Supreme Court. It is stated that the Supreme Court has disposed of the SLP confirming that the CCS Conduct Rules are applicable even to officials of IA&AD by judgement dt. 3.5.95. As the Hon'ble Supreme Court had given an interim order earlier stating that the disciplinary proceedings of the applicant should not be finalised till the case is disposed of, the learned counsel for the respondents stated that the disciplinary ^{proceedings} ~~case~~ could not be finalised for so long and hence pending.

3. The applicant filed OA.746/87 on the file of this Bench for his promotion to the post of Assistant Accounts Officer on adhoc basis. Before hearing of that case the applicant was promoted on adhoc basis to the grade of A.A.O. by the respondents themselves. Hence that OA was disposed of as infructuous. However a direction was given in that OA that "after the disciplinary proceedings are completed and in accordance with the judgement which may be passed in SLP 7593, 7594/89, the respondents will open the sealed cover and give

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may not give him the promotion in view of the stipulations contained in para-5 of the said circular. Hence we are of the opinion that it will be in the interest of the applicant if a direction is given to finalise the enquiry proceedings *quickly* and on that basis decided the issue of regularisation of the applicant as A.A.O. and thereafter consider his case for promotion to the post of A.O. The learned counsel for the respondents submitted that the applicant will loose nothing ~~if the~~ if the above course is adopted as he will get all the consequential benefits if he is exonerated in the disciplinary proceedings. In view of what is stated above we are of the opinion ^{that} a direction to complete the disciplinary proceedings in a time bound manner will meet the ends of justice.

8. It is stated that an adhoc disciplinary authority has been nominated by the President of India to finalise the proceedings. It is further ordered that Principal Director Audit and Ex-officio Member Audit Board has been nominated as the adhoc disciplinary officer. Hence the learned respondent's counsel submitted a direction as stated above has to be given to the said authority for finalisation of the said proceedings.

9. In the result, we direct the Principal Director Audit and Ex-officio Member Audit Board to complete the disciplinary proceedings initiated against the applicant within a period of 4 months from the date of receipt of a copy of this order.

10. With the above direction the OA is disposed of.
No costs.


(B.S. JAI-PARAMESHWAR)
Member (Judl.)
13.11.96
Dated: 13th November, 1996
(Dictated in Open Court)


(R.RANGARAJAN)
Member (Admn.)

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D.R. (5) *13.11.96*

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O.A.NO.498/93

Copy to:

1. The Secretary, Ministry of Finance,
Controller and Audit General,
New Delhi.
2. The Accountant General,
Accounts and Entitlements,
A.P., Hyderabad.
3. One copy to Mr.M.Solomon Raju, &xxxxxxx
Party in Person, H.No.9-4-84/32, Kakatiyanagar,
Mehdipatnam, Hyderabad.
4. One copy to Mr.B-Nalin Kumar, Advocate,
CAT,Hyderabad.
5. One copy to Mr.G.Parameswar Rao, &xxxSC,
CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

g. Mr. Director, Audit & Ex-officio member Audit Board,

YLKR

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09/11/96

TYPED BY

CHECKED BY

COMPILED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 13/11/96

ORDER/JUDGEMENT

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

O.A.NO. 428/93 ⁱⁿ

~~ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

