

DATE OFFICE NOTE

ORDERS

5-12-96

Applicant in person. Mr. G. Parameswara Rao for the respondents.

Part heard and adjourned to 9-12-1996.

sk

[Signature]
HHRP
M(A)

[Signature]
HMGCJ
VC

9.12.96

Applicant in person. Mr. G. Parameswara Rao for the respondents.

Part heard. To be listed tomorrow.

HHRP
M(A)

[Signature]
HMGC (J)
VC

10.12.96

Applicant in person. Mr. G. Parameswara Rao for the respondents.

Arguements of counsel for both the concluded. Judgement C.A.V.

[Signature]
HHRP
M(A)

HMGCJ
VC.

8.1.1997

In the court of HHRP/HMGC(J)

Applicant in person present.

Mr. G. Parameshwara Rao the learned counsel for the respondents present.

Announced: OA dismissed. No orders as to costs.

[Signature]
HHRP
M(A)

[Signature]
HMGC (J)
VC

KSM

Office of the Comptroller & Auditor General of India, New Delhi.

No. 1028-NGE.III/19.75

Dt. 6.5.1976.

To
All Accountants General, etc.
(As per mailing list)
Encl. (including subordinate offices under them)

Subject: Grant of deputation special pay to Class III staff of IA&AD on deputation within IA&AD.

Sir,

The question whether the SAS passed Auditors deputed to deficit Offices to work as Section Officers can be allowed to draw their grade pay plus deputation special pay, if it is more advantageous to them, instead of the pay as admissible in the Section Officers scale has been under consideration of this office for some time past. In partial modification of para 4 of the scheme for utilising the surplus SAS passed men in offices where there are shortages of Section Officers circulated in this office letter No. 2671-NGE.II/25-61 Pt.VII dt. 11.9.1961, it has been decided that the SAS passed auditors deputed to other offices may be given an option to choose between:

- a) Section Officer, and
 - b) pay as auditor plus deputation special pay @ 20% (30% in the case of transfers to Jammu & Kashmir, Maharashtra at Bombay city, Assam, Arunachal Pradesh, Manipur, Tripura etc. subject to a maximum of Rs. 150/- for transfers outside the State and Rs. 100/- for transfer within the State but outside the circle of audit. Special pay will remain fixed and will not vary with the increase in pay. It is also subject to the condition that pay plus deputation special pay should not exceed the maximum of the time scale of the post.
2. If special pay is admissible if the transfer does not involve change of station, In such cases the SAS passed auditors will be allowed pay in the scale of Section Officers and they will continue to draw pay in the Section Officer's scale even after their proforma promotion.
 3. On their getting proforma promotion to the grade of Section Officers, the SAS passed auditors are entitled to the deputation special pay @ 20% or 30% as the case may be over and above the pay fixed in the Section Officer's scale in their parent offices subject to other conditions mentioned in para 1 (b) above.
 4. These instructions take effect from the date of issue. The cases of S.A.S. passed auditors on deputation who have not yet got the proforma promotion in their parent offices may also be dealt under these orders and proposals for grant of deputation special pay referred to this office. In case they opt to draw their grade pay as auditor plus special pay under 1 (b) above, the rate of special pay admissible will be determined with reference to pay as Auditor on the date on which they went on deputation.

Yours faithfully,

Sd/-
(B.R. Lal)
Asst. Comp. & Ar. Genl. (N)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.No. / ~~1~~ No. 989 of 1994

S. V. Ranga Reddy

Applicant(s)

VERSUS

Comptroller & Auditor General, New Delhi

Respondent(s)

& another

Date	Office Note	Orders
12-8-94		<p>Post it on 16-8-94</p> <p>SI & SA re (A)</p> <p>ST J N N J VC</p> <p>B. O</p> <p>OR (J)</p> <p>16-8-94</p> <p>ADMIT. Post along with O.A. 868/94, for final hearing, below admissions on 26-9-94, for reply in the meanwhile.</p> <p>HRRN 7(A)</p> <p>HVRN J VC</p> <p>O.A. 868/94 & O.A. 989/94</p> <p>Reply Statement is sent it for final hearing commercially below admissions on 6-1-95</p> <p>HRRN re (A)</p> <p>HVRN J VC</p>
16-8-94		
12/9/94	<p>Counter filed in MA 397/94 by Mr. D. Francis Prasad, Secy Rys on 8/9/94.</p>	
28-12-94		
21/1/95	<p>Counter filed by Mr. G. Parameswara Rao, Secy B.A.S.A.D on 28/12/94.</p> <p>30</p>	

N
O.A.
16/8

DATE	OFFICE NOTE	ORDERS
5-11-96.	2011-11-05	<p>Shri J. Sudheer for the applicant. Smt.N.Shakti for Shri G.Parameshwar Rao. Adjourned for fixing date of hearing to 21-11-96.</p>
22-11-96		<p>(HHRP) (HMGCJ) M(A) VC</p> <p>Shri Deshpande for Shri J.Sudheer, seeks adjournment on the ground that Shri J.Sudheer is busy else where. The Applicant Shri S.V.Ranga Reddy is present in person. He states that he desires to discharge Shri J.Sudheer as his Advocate and would argue his case in person. We have made it clear to him that it is for him to inform accordingly to Shri J.Sudheer and discharge his appearance. Smt.N.Shakti appeared on behalf of Shri G.Parameshwar Rao, standing counsel for respondents. Since the companion case is adjourned the instant DA be also listed for hearing on ^{3.12.96} 30-12-96. The applicant should note that on that date if he does not remain present and argue, the DA may be disposed of acting under Rule-15(1) of CAT (Procedure) Rules, 1987.</p> <p><i>[Signature]</i> <i>[Signature]</i> (HHRP) (HMGCJ) M(A) VC</p>
3.12.96.		<p>Shri S.V.Ranga Reddy, Party-in-person Shri G.Parameswara Rao, Standing Counsel for the respondents.</p> <p>Adjourned to 5.12.96.</p> <p><i>[Signature]</i> <i>[Signature]</i> HHRP HMGCJ M(A) VC.</p>

2581

220080

Telegraphic Address :

Accounts

No. Admn. I/Genl/Fix. of Pay/VVS/

प. जी. 37
A. G. 37

महासेवाकार कायदा, (सेवा व हकवारी)-1

महाराष्ट्र

101, महाश्वी मार्ग, बम्बई-400 020.

OFFICE OF THE ACCOUNTANT GENERAL (A & E)-I
MAHARASHTRA

101, MAHARSHI KARVE MARG, BOMBAY-400 020.

बम्बई, दिनांक
Bombay, the..... 1990

3 SEP 1990

To:
The Accountant General,
(Audit),
Andhra Pradesh,
Hyderabad 500 013.

Subj: Benefit of service in ex-cadre
post for fixation of pay -
Shri V V Subramanyam, AAO.

Sir,

I am to request you to forward a copy of
Headquarter's Office Circular No. NGE/47/80 dated 25.7.79
on the subject mentioned above as the same is not rea-
traceable in this Office. It is required in connect-
with the case of Shri V V Subramanyam, Assistant Au-
ditor, of your office who was on deputation to this
Office and has represented for extension of benefits
of service rendered in this Office while fixing pay
in Section Officer's cadre.

Yours faithfully,

Sd/-
Accounts Officer/Admn. I.

No: Admn. I/Genl/Fix. of Pay/VVS/1282-4 Date: 3 SEP 1990

Copy forwarded for information and necessary action to
Shri V V Subramanyam, Assistant Audit Officer, Office of
The Accountant General (Audit), Andhra Pradesh, Hyderabad.

Accounts Officer/Admn. I.

M31890

PLEASE QUOTE THIS REFERENCE IN FUTURE CORRESPONDENCE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

ORIGINAL APPLICATION No. 989 OF 1994

Shri SVR Reddy. Applicant(s)


VERSUS

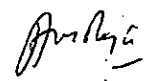
Comptroller & Auditor General
New Delhi & another

RESPONDENT(S)

The Application has been submitted to the Tribunal
by En J. Sudhakar Advocate under
section 19 of the Administrative Tribunal 1 Act 1925 and same
has been scrutinised with reference to the points mentioned
in check list in the light of the provisions contained in the
Administrative Tribunal (Procedure) Rule, 1987.

The application is in order and may be listed for
admission on -28-4-


Scrutiny Officer


Deputy Registrar (Judl.)

11. Have legible copies of the annexure duly attested been filed. *✓*
12. Has the Index of documents been filed and pagination done properly. *✓*
13. Has the applicant exhausted all available remedies. *✓*
14. Has the declaration as required by item No.7 of form I been made. *✓*
15. Have required number of envelopes (file size) bearing full address of the respondents been filed. *✓*
16. (a) Whether the relief sought for, arise out of single cause of action. *✓*
(b) Whether any interim relief is prayed for. *✓*
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. *✓*
18. Whether this case can be heard by single Bench. *✓*
19. Any other point.
20. Result of the Scrutiny with initial of the scrutiny clerk. *may be filed*

[Signature]
1978/9/1
Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

Dairy No. 2031

Report in the Scrutiny of Application.

Presented by Sh. J. Reddy Date of Presentation. 3/8/94
Applicant(S) S.V.R. Reddy
Respondent(S) C.A.G., New Delhi & others
Nature of grievance Revision of order
No. of applicants one No. of Respondents Two

CLASSIFICATION.

Subject Revision of order (No) Department General (No)
option

1. Is the application in the proper form, (Three complete sets in papersbooks form in two compilations) Y
2. Whether name, description and addressed of all the parties been furnished in the cause title. Y
3. (a) Has the application been duly signed, and verified. X
(b) Have the copies been duly signed. Y
(c) Have sufficient number of copies of the application been filed. Y
4. Whether all the necessary parties are impleaded. Y
5. Whether English translation of documents in a language other than English or Hindi been filed. —
6. Is the application in time, (See Section 21) Y
7. Has the Vakaltnama/Memo of Appearance/ authorisation been filed. X
8. Is the application maintainable, (U/s 2, 14, 18, or U.R. '8 etc) Y
9. Is the application accompanied IPO/DD, for Rs. 50/- Y
10. Has the impugned orders original/duly attested legible copy been filed. Y

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

I N D E X S H E E T

O.A.No. 989 of 1994

CAUSE TITLE S.V. Ranga Reddy

VERSUS

Comptroller & Auditor General, New Delhi

Sl.No.	Description of documents	Page No.
1.	Original Application	1 to 16
2.	Material Papers	1 to 29
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies 2 (Two)	
6.	Covers 2 (Two)	key

7. Counter Affidavit filed
By Respondent.

8. Reply Affidavit filed by
the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 989 of 1994

Between:

S. V. Ranga Reddy Applicant.

A N D

Comptroller and Auditor General of
India, Bahadur Shah Zafar Marg,
New Delhi, And Another. Respondents.

CHRONOLOGICAL STATEMENT OF EVENTS

1. The applicant presently working as Assistant Accounts Officer at Accounts General Office, Hyderabad.
2. The Applicant deputation of S.A.S. Passed officials as Section Officers' to the deficit offices - Benefit of service in ex-cadre posts for fixation of pay, dt. 2-4-1980.
3. The applicant may be allowed to opt for the SAS scale in deficit offices mentioned in the list within a period of 3 months, dt. 25-7-1980.
4. The applicant S.A.S. passed auditors who are on deputation as Section Officers to deficit offices in I.A. & A.D. as shown in the enclosed statement, dt. 22-6-1982
5. The applicant representation given to the deputy accounts General Officer, Office of the Accounts General Hyderabad, dt. ²³23-7-1992.
6. The applicant another representation given to the Deputy Accountant General (Admn.), Office of the Account General, Hyderabad, A.P., dt. 7-9-1992.
7. My representation dt. 23-7-1992⁷⁹⁹² is informed at the Head Quarters office in circular No. NGE/47/80 No. 2349, dt. 25-7-1980 clearly stated that those officials who were on deputation to deficit offices and were drawing their grace pay plus deputation allowances were allowed to opt

for the scale after a lapse of 12 years can not be considered, dt. 5-11-1992.

8. The applicant appeal for the 1st respondent I humbly appeal that my case may sympathetically be reviewed and liberally constitute so as to advance substantial justice to me, dt. 21-6-1993.

9. The applicant representation dated 21-6-1993 ^{addressed} ~~xxxxxxx~~ to the 1st Respondent regarding extension of time for exercising revised option for fixation of pay deputation to a deficit audit office in the period 1988-81 request was considered by the Head Quarters Office and rejected being time barred. Finally I approach to the Hon'ble Tribunal may be pleased pass such other order ~~xx~~ or orders to deem fit proper circumstances of the case.

HYDERABAD,

Date: 3-8-1994.

J. Sudheer
COUNSEL FOR THE APPLICANT.

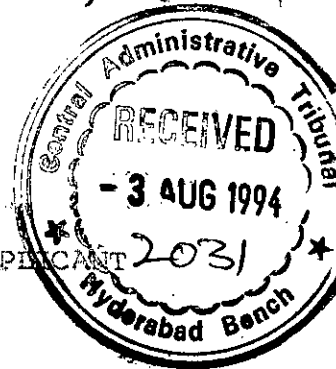
Reg: To set aside the rejection orders dt. 13694
of R. and declare that the applicant
is entitled for Revision of his option.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL
BENCH : AT HYDERABAD

Single Member
Card

O.A. NO. 989 OF 1994

General



Between:

S.V. Ranga Reddy

: APPLICANT

And

Comptroller And Auditor General of
India, Bahadur Shah Zafar Marg,
New Delhi, And Another.

: RESPONDENTS

APPLICATION UNDER SECTION 19 OF
THE ADMINISTRATIVE TRIBUNALS
ACT, 1985:

I N D E X

Sl. No.	Description of the Documents Relied Upon	Page Nos.	Annex. No.
1.	Application	01 - 16	-
2.	Circular of the Respondent No. 1 in No. NGE/21/1980, Dated: 02-04-1980.	182	1
3.	Clarification issued by the Respondent No. 1 through Circular No. NGE/47/80, Dated: 25-07-1980.	384	2
4.	Circular issued by the Respondent No. 1 fixing time limit of 3 months for giving options Dated: 25-07-1980.	del 198-80 57)	3
5.	Circular Dated: 06-05-1981	859	4
6.	Circular No. NGE/60-1982, Dated: 22-06-1982, extending benefit upto 31-03-1982.	10712	5
7.	Circular extending the benefit further upto 31-03-1983, Dated: 26-11-1982.	13714	6

- | | | |
|---|------|----|
| 8. Representation of the Applicant
Dated: 23-07-1992. | 15th | 7 |
| 9. Representation of the Applicant
Dated: 07-09-1992. | 17 | 8 |
| 10. Proceedings of the Dy. Accountant
General (Admn), O/o the Accountant
General (A&E), Andhra Pradesh,
Hyderabad, rejecting the representa-
tion of the Applicant, Dated:
05-11-1992. | 18 | 9 |
| 11. Representation of the Applicant
Dated: 06-11-1992 made to the 2nd
Respondent. | 19th | 10 |
| 12. Proceedings of the 2nd Respondent
Dated: 26-05-1993, rejecting the
representation of the Applicant. | 22 | 11 |
| 13. Representation of the Applicant
Dated: 21-06-1993. | 23rd | 12 |
| 14. Letter of the Respondent No. 2
Dated: 13-06-1994, rejecting the
claim of the Applicant. | 29 | 13 |



APPLICANT

DATE OF FILING:

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL
BENCH : AT HYDERABAD

O.A. NO. 989 OF 1994

Between:

S.V. Ranga Reddy S/o Venkataramaiah : APPLICANT
Aged 47 Years, Occupation: Assistant
Accounts Officer, R/o Q.No. C-269,
A.G. Colony, Hyderabad.

A n d

1. Comptroller And Auditor General of India, Bahadur Shah Zafar Marg, New Delhi.	RESPONDENTS)))
2. Accountant General (A and E), Andhra Pradesh, Hyderabad.))

DETAILS OF APPLICATION:

1. PARTICULARS OF THE APPLICANT:

i) Name of the Applicant	: As shown above in the Cause Title.
ii) Name of the Father	: -do-
iii) Age of the Applicant	: -do-
iv) Designation and Particulars of Office (Name and Station) in which employed.	: -do-
v) Office Address	: -do-
vi) Address for Service of Notices	: J. Sudheer Advocate 3-5-703 Opp: Old MLA Quarters Himayatnagar Hyderabad -500 029 (AP)

2. PARTICULARS OF THE RESPONDENTS:

- i) Name of the Respondents : As shown above in the Cause Title.
- ii) Name of the Father : -do-
- iii) Age of the Respondents : -do-
- iv) Designation and Particulars of Office (Name and Station) in which employed : -do-
- v) Office Address : -do-
- vi) Address for service of Notices. : -do-

3. PARTICULARS OF THE ORDER AGAINST WHICH:
APPLICATION IS MADE

The Application is filed against the following order:

- i) Order No. : Admn.I/A and E/U1/94-95/23.
- ii) Date : 13-06-1994.
- iii) Passed By : Deputy Accountant General (Admn),
Office of the Accountant General, (A and E),
Hyderabad.
- iv) Subject in Brief : The Claims of the Applicant herein for revision of his option from Grade Pay Plus Deputation Allowance to S.A.S. Scale in the Post of Section Officer during the period of his deputation in Deficit Office till the date of his regular promotion to the post of Section Officer in the Parent Unit, has been rejected by the Respondents through the above Impugned Orders.

4. JURISDICTION OF THE TRIBUNAL:

The Applicant herein declares that the subject matter of the orders against which he wants redressal is within the Jurisdiction of this Hon'ble Tribunal Under Section 14 of the Administrative Tribunal Act, 1985.

5. LIMITATION:

The Applicant herein further declares that the Application is well within the Limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:

The Facts of the Case are given below:

- a) That, the Applicant herein is presently working as Assistant Accounts Officer under the control of the Respondent No. 2, who is the cadre controlling authority. For the purpose of determination and adjudication of the controversy arising in this case it is necessary to narrate the following aspects:
- b) That, each state is a Unit by itself under the over all control of the Respondent No. 1. That means the Personnel appointed in one state cannot be transferred to the other state. But, Group -A services ie., from the cadre of Assistant Accountant General and above are inter-transferrable between the states.
- c) That, those who have completed 3 years of service in the cadre of Clerk/Stenographer/Auditor can appear for S.A.S. Examinations which is now called as S.O.C.E., conducted by the Respondent No. 1. The candidates who had appeared for the said examination and got qualified themselves are eligible to be promoted as Section Officers. Some times it so happens

That in some states there will be more number of candidates who are qualified to hold the post of Section Officer, but, less number of vacancies and in some states there will be more number of vacancies and less number of qualified candidates to hold the post of Section Officer. These Offices are called as Deficit Offices. As far as the Andhra Pradesh is concerned it was never a deficit office, and it was providing for the needs of other states by deputing the qualified candidates for the post of Section Officers.

d) That, upto 1973, the Government of India extended the benefit to the Deputationists by treating the period of service on deputation as Section officers in the Deficit Offices for the purpose of Fixation of Pay in the cadre of Section Officers by giving increments to the service rendered in the Deficit Office. That means, the service rendered by the Deputationists in the Deficit Offices as Section Officers was treated as on duty for the purpose of increments, though they have got their promotions in their parent offices subsequently. This benefit was not extended between the period from 1973 to 1978. During that period the Deputationists were allowed to draw either Grade Pay Plus the Deputation Allowance or the Minimum Pay Scale attached to the post of Section Officer whichever is beneficial to the incumbent. But, as stated above, during the period between 1973 to 1980 the benefit of treating the service in Deficit

Office as Section Officer for the purpose of granting increments in the cadre of Section Officer in the parent unit was not available. These benefits were given to the Deputationists by the Government of India to attract the qualified candidates to the Deficit Offices away from their states. The object and intention of the Government of India is laudable and appreciable. But, the manner in which the Respondents have not properly implemented is demonstrated in the following paragraphs.

e) That, the Government of India reviewed the policy of extending the benefit of counting the services of deputed Section Officers in Deficit Offices for the purpose of increment in the year 1980. The same was communicated to all the State Units by the Respondent No. 1 through his Circular contained in No. NGE/21/1980, Dated: 02-04-1980 (Kindly See Annexure -I). A reading of Circular Dated: 02-04-1980 makes it clear that the said benefit was extended upto 31-08-1980. There was no time limit prescribed by the Government of India for making options. Even the Circular Dated: 02-04-1980, does not prescribe any time limit. The Unit Offices raised some doubts and sought for clarifications from the Respondent No.1. The Respondent No. 1 clarified the doubts through Circular No. NGE/47/80, Dated: 25-07-1980 (Kindly See Annexure -II). A clear reading of both the Circulars demonstrates that an option was asked by the Respondents

either to stay in the Grade Pay Plus deputation allowance or to come on to S.A.S. Scale i.e., Scale attached to the post of Section Officer. ~~Some~~ people at the time of deputation have opted for Grade Pay Plus Deputation Allowance instead of S.A.S. Scale (Scale of Pay attached to the post of Section Officers) as the latter was less beneficial. Those persons who have opted for the S.A.S. Scale which may be beneficial for them they cannot claim the period spent on deputation as Section Officer in the deficit offices for counting their service for the purpose of fixation of Pay in the cadre of Section Officers in their Parent Unit. But, as the policy that was existing prior to 1973 as stated above, came back into force. The Government of India thought it necessary to seek for options again. So, if a candidate had opted for Grade Pay Plus Deputation allowance and subsequently if he intended to switch over to S.A.S. Scale in view of the above said circular, he can opt for the S.A.S. Scale by refunding excess payment if any received by him while he was taking the Deputation Allowance. Through the Circular Dated: 25-07-1980, the time limit was fixed by the Respondent No. 1 as 3 months for making options. The Circular Dated: 25-07-1980, was supposed to be served to all the Section officers on deputation through Deputation Unit (Kindly See Annexure -III). This has not been done.

e) That, as stated above, the said benefit was extended for the period between 01-04-1973 to 31-08-1980. Through Circular Dated: 06-05-1981 the above said benefit was extended upto 31-03-1981 (Kindly See Annexure-IV). Through Circular No. NGE/60-1980, Dated: 22-06-1982, the above said benefit was extended further upto 31-03-1982 (Kindly See Annexure -V). Further, the same was extended through Circular Dated: 26-11-1982 upto 31-03-1983 (Kindly See Annexure -VI). Basing on what is stated above it is clear that the above said benefit was reviewed in the year 1980 retrospectively from 1973 and was subsequently extended from time to time. All this exercise was only to attract the deputationists to Deficit Offices.

g) That, as far as the Applicant herein is concerned, he was appointed as Auditor on 20-04-1970 in the Office of the Accountant General, Andhra Pradesh, Hyderabad. He had passed the S.A.S. examination in November, 1975 and became eligible to be promoted as Section officer. Though he was qualified and eligible to be promoted as Section Officer, due to the dearth of vacancies he was not promoted as Section Officer. During that time the Accountant General, Maharashtra - Bombay, was a Deficit Office, as it was not having sufficient number of S.A.S. passed members to hold the post of Section Officer. As there were more number of S.A.S. passed candidates in the state of Andhra Pradesh options were called for Deputation to

Deficit Offices. The Applicant gave his option for deputation and was deputed to the office of the Accountant General, Maharashtra -I, Bombay, on 10-05-1978. At that time the benefit was not in existence and the Applicant herein opted for Grade Pay Plus Deputation Allowance. The Circulars Dated: 02-04-1980, 25-07-1980 and subsequent circulars were not communicated at all. The Applicant was completely kept in the dark. As he was away from his Parent Office, he was not aware of the circulars. The Respondents were duty bound to communicate the circulars as per the Office Order No. 35, Dated: 19-03-1980. The Respondents were supposed to communicate these circular individually to the Section Officers who are on deputation through Deputation Unit of Administration Section. This has not been done. The circulars were not circulated to the Applicant because of the callousness and negligence on the part of the Respondents. The Respondents have failed in their duty in communicating the circulars to the Applicant herein so as to enable him to review his option basing on the new developments. The Applicant came back to his Parent Unit on 20-05-1981. He was promoted as Section Officer in his Parent Unit on 20-07-1981. Had he been communicated with the circulars he would have opted for the S.A.S. Scale instead of taking the Deputation Allowances by paying back the excess amounts if any, which will enable him to get increments in the scale of Section Officer for

the period spent on deputation as Section Officer. Thus, he could not avail because of non-communication of the circulars. The Applicant was on Inspection duties also. This was also one of the reasons for not knowing about the circulars. Only in the year 1992 the Applicant herein came to know about the existence of the above circulars and made a representation to the Deputy Accountant General (Admn), Office of the Accountant General (A&E), Andhra Pradesh, Hyderabad, on 23-07-1992 (Kindly See Annexure -VII). The Applicant once again represented his case to the above authority through his representation Dated: 07-09-1992 (Kindly See Annexure -VIII). The Deputy Accountant General (Admn), Office of the Accountant General (A&E), Andhra Pradesh, Hyderabad, without considering the claims of the Applicant rejected the representation made by him through Proceedings Dated: 05-11-1992 (Kindly See Annexure -IX). Thereafter, the Applicant herein carried the matter to the Respondent No. 2 through his representation Dated: 06-11-1992 (Kindly See Annexure -X). The Respondent No. 2 also rejected the claims of the Applicant vide Proceedings Dated: 26-05-1993 (Kindly See Annexure -XI). After this the Applicant made several representations to the Respondents bring to their notice the injustice that was meted out to him. The latest of such representation being Dated: 21-06-1993 (Kindly See Annexure -XII). However, the Respondent No. 1 rejected the representation of the

Applicant and the same was communicated to him by the Respondent No. 2 through his Memo Dated: 13-06-1994 (Annexure -XIII), on the ground that it is time barred. It is necessary to mention here that when the Indian Audit and Accounts Departments bifurcated into Audit And Accounts, he has opted for Accounts Department and hence the Applicant herein is now under the control of the Respondent No. 2.

h). That, as explained above the Applicant was kept in dark due to which the Applicant could not opt for the options which is more beneficial for him from time to time. The Respondents were duty bound to supply the copies of the Circulars regularly. Due to non-supply of the copies of the circulars the Applicant is put to irreparable financial loss. Had the Applicant was aware about the circulars he would have opted for the option basing on the circumstances in his case. The action of the Respondents in not circulating circulars is bad, illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 39(D) of the Constitution of India.

i) That, due to the inaction of the Respondents the purpose and object sought in the circulars was defeated. The Deputationists who had accepted the deputations away from their homes were supposed to be encouraged by providing incentives. The object of the Government of India in seeking for new options

is that Government of India had decided to treat the period of deputation for the purpose of fixation of the pay in the Section Officers' cadre in their Parent Unit. Though the object was appreciable the Respondents herein have waterdown the same by not properly implementing the same. This action of the Respondents is discriminatory and arbitrary and violative of Articles 14 and 16 of the Constitution of India.

j) That, the rejection Memo Dated: 13-06-1994 is non-speaking. The Memo does not give any reasons for the rejection. The elaborate representations made by the Applicant go to show that he was not at fault. The Respondents have not applied their mind before rejecting the claim of the Applicant. Having regard to what is stated in the representations of the Applicant the Respondents ought to have granted the claim appreciating the circumstances.

k) That, the only sterio type ground taken by the Respondents for rejection of the claim is delay. The Respondents' claim that it is a time barred claim, it is not explained how the claim is time barred. The question of claim being time barred will arise only when all the circulars are communicated. Without doing so it is not open for the Respondents to reject the legal claim of the Applicant on the ground of delay. The Applicant cannot be put to loss for the fault of the Respondents. The Respondents have not

only failed in their duties in circulating the circulars but also are throwing the blame on the Applicant as though he has slept over the matter. The action of the Respondents in simply rejecting the claims of the Applicant as time barred is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

1) That, the question of delay does not arise as one can apply for whatever benefit only when it comes to the knowledge of an individual. Even under the Deputation Act the limitation for claim starts only from the date of the knowledge. A reading of the circulars makes it clear that the benefit is supposed to be extended even for those who died and those who have retired from service if they are otherwise entitled to it. When such is the case, the case of the Applicant deserves consideration and he is entitled for his legal claim. It is not open for the Respondents to reject the claim on technical grounds such as delay. The fact that he was deputed to Bombay is indisputable. The existence of the circulars granting some benefits to the Deputationists to Deficit offices is also indisputable. The fact that the Government of India extended the benefit to the Deputationists having appreciated the difficulties of the Deputationists who were deputed out of their state is also indisputable. Further, the fact that the Applicant was not communicated with the circulars is also clear from the representations made by him. The fact that

he has started agitating his claim only recently demonstrates in unmistakable terms that he became aware of the circulars only recently. Had the Applicant herein become aware in time he would have agitated immediately. These facts go to show that the Applicant was not at fault and that he is entitled for the claims.

m) That, even otherwise the so called time limit prescribed in the circular is only the making of the Respondents herein. The Government of India did not prescribe any time limit calling for options. It is not open for the Respondents to go beyond the intention of the Government of India and prescribe some time limit and deny the benefit on the ground of delay. The Respondents have gone beyond their competence and jurisdiction. Because of the inaction of the Respondents the Applicant herein is losing some increments and further consequential benefits.

7. DETAILS OF THE REMEDIES EXHAUSTED:

Under the circumstances the Applicant herein has no other alternate and efficacious remedy except to approach this Hon'ble Tribunal for the redressal of his grievances and hence the present Original Application.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:
WITH ANY OTHER COURT:

The Applicant further declares that he had not filed previously any Application, Writ Petition

or Suit regarding the matter in respect of which this Application has been made, before any Court of Law or any other Authority or any other Bench of the Tribunal and nor any such Application, Writ Petition or Suit is pending before any of them.

9. RELIEF(S) SOUGHT:

Hence in the interests of the Justice it is Prayed that this Hon'ble Tribunal may be pleased to call for the records pertaining to the Impugned Orders contained in Memo No. Admn.I/A and E/U1/94-95/23, Dated: 13-06-1994, issued by the Respondent No. 2 to the Applicant herein and set aside the same as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 39(D) of the Constitution of India and consequently hold that the Applicant herein is entitled for the revision of his Option from Grade Pay Plus Deputation Allowance to S.A.S. Scale in the post of Section Officers during the period of his deputation in Deficit Offices and count for the purpose of increments in the Section Officer's post in his Parent Office, with all consequential benefits and attendant benefits such as Arrears of Salary with interest etc. And pass any such other order or orders as this Hon'ble Tribunal may deem fit, proper and necessary in the circumstances of the Case.

10. INTERIM RELIEF:

Pending disposal of the original Application

it is Prayed that this Hon'ble Tribunal may be pleased to fix an early date for hearing the Case. And pass any such other order or Orders as this Hon'ble Tribunal may deem fit, proper and necessary in the circumstances of the Case.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER:
IN RESPECT OF THE APPLICATION FEE

1. Name of the Bank on :
which Drawn

2. Demand Draft Number :

OR

3. Number of Indian Postal : 808352634
Order(s)

2. Name of the Issuing : M.C.A Post Office
Post Office.

3. Date of Issue of Postal : 3-8-94
Order(s)

4. Post Office at which : T.P.O. H.Y.D
payable..

12. DETAILS OF THE INDEX:

378/94
(P.O./B.C./D.D./Removal)

The Index containing details of the documents filed and relied upon is enclosed with the original Application.

13. LIST OF ENCLOSURES:

1.

AS per Index.

2.

3.


4.

5.

V E R I F I C A T I O N

I, S.V. Ranga Reddy S/o S. Venkataramaiah, Aged 47 Years, Occupation: Assistant Accounts Officer, R/o _____, Applicant herein do hereby verify that the contents of Paragraphs (1) to (6) of the Application are true to my personal knowledge and Paragraphs (7) to (13) are believed to be true on legal advice and that I have not suppressed any materials fact.

Hence, verified the same on this the _____ Day of July, 1994, at Hyderabad.


COUNSEL FOR THE
APPLICANT


APPLICANT

H Y D E R A B A D.

DATED:

2

1-2-1

ANNEXURE

Statement showing the sanctioned strength and vacancies in S.O.'s cadre as on 1.5.80 following the declaration of results of SAS Examination held in December, 1979.

- (a) Sanctioned strength of S.O.'s as on 1.5.80.
- (b) Numbers of S.O.'s in position.
- (c) Shortage after taking into account all S.A.S. passed officials.
- (d) Manner of filling up of vacancies shown at (c) above.
 - i) Number of supervisors working in place of S.O.'s as a stop-gap arrangement.
 - ii) Number of S.A.S. passed official on deputation from other offices in I.A. & A.D. where there is surplus.
 - iii) Number of vacant posts.

//True Copy//

[Signature]
18/5

[Signature]
15/5
14/5/75

T.C
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ADDITIONAL COPY 53

7.c

Office of the Accountant
Circular No. 1002-11/15-29, dt. 2.4.1980 received
from the Comptroller & Auditor General of India, New Delhi-110002

Sub: Separation of S.A.S. passed officials as Section Officers to the deficit offices-benefit of service in ex-cadre posts for fixation of pay.
-000-

Sir,

As you are aware, we have not been able to attract enough number of volunteers for deputation as S.O.s to deficit offices in I.A.S. A.D. from amongst S.A.S. passed officials awaiting promotion, the main reason being that the provisions in R.A. 22 after its amendment on 30-11-65 do not permit counting of their service in ex-cadre posts for the purpose of fixation of pay when they receive regular promotion as S.O.s in their parent offices. This has created a situation in which the deficit offices are suffering for want of qualified personnel, on the one hand, and the surplus offices are facing discontent from amongst S.A.S. passed officials for want of promotional avenues, on the other. The question of finding a solution to this problem has been under consideration for some time past in consultation with the Government of India, Ministry of Finance who have since issued sanction to the relaxation of the conditions prescribed under provided 1 (a) of R.A. 22 for the period upto 31-3-80 on the date of announcement of the results of S.A.S. examination, 1979 which-ever is earlier.

2. In the light of the Government sanction, it is now permissible to S.A.S. passed officials who had remained on deputation or are on deputation to the deficit offices in I.A.S. A.D. to count the service rendered by them in ex-cadre posts upto 31-12-80 for the purpose of pay fixation under R.A. 22. This position may please be brought to the notice of the staff under your control and steps taken where necessary, to extend the benefit of pay fixation for the ex-cadre service rendered in deficit offices in I.A.S. A.D. upto 31-3-80.

3. After the announcement of the results of S.A.S. examination held in December, 1979, it is proposed to approach the Government of India again for extending the period of sanction beyond 31-3-80 without any time limit. In the interim, in the absence of any request for that information in the form given in the annexure may please be furnished within one month of the declaration of results.

4. The records of this communication may please be acknowledged.

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(3)

Circular No-NGE/47/80

No.2349-NGE 1/15-79

OFFICE OF THE COMPTROLLER AND
AUDITOR GENERAL OF INDIA
NEW DELHI- 110002.

Dated the 25th July, 1980.

To

1. ALL Accountants General
2. All Directors of Audit (Civil, P&T, Defence, Railways)
3. All Members of Audit Board & Ex-Officio Directors
of Commercial Audit)
4. Director of Audit Food New Delhi
5. Dy. Director (Personnel) Local.

Sub: Deputation of S.A.S. passed officials as Section Officers
to the deficit offices-Benefit of service in ex-
cadre posts for fixation of pay.

Sir,

I am directed to invite a reference to this office circular
letter No.1002-NGEI 15.79 dated 2.4.80 on the subject indicated above
and to state that the various points raised by the field offices in this
connection have been examined and following clarifications are
given for future guidance:-

- (a) The cases of SAS passed personnel deputed to work as Sectional
Officers in the deficit offices of the I.A.&A.D. in the past
were referred to the Govt. of India for relaxation of the condition
prescribed under proviso I (iii) of F.R. 22 and necessary relaxation
was sanctioned by them upto 31st March, 1973 in respect of the deficit
offices of Accountants General Assam, Himachal Pradesh and Chandigarh
and Jammu & Kashmir only. Consequently the service rendered as S.O.
in the deficit offices (list enclosed) will count for fixation of pay
on reversion to the parent office from 1-4-73 to 31-3-80 and the
arrears of pay and allowances due on this account are payable from
1-4-73 or the date of posting to deficit offices whichever is later.
Necessary funds for this expenditure will be provided in the Revised
Estimates for 1980-81, if necessary.
 - (b) The benefit will also be admissible to all those who are no
longer in service due to death or retirement etc. on 2-4-80,
if they are otherwise entitled to it.
 - (c) The deputationists who were drawing their grade pay plus
deputation allowance ordinarily will not be entitled to this be
in terms of the Govt. of India decision no. 17(i) below F.R.
26 (Chaudhry) compilation of FR SR Vol. I-6th Edition) However
as the deputationists were not aware at the time of their
deputation whether the relaxation now allowed by the Govt. of
India would be available to them they may be allowed to opt for
the SAS scale in deficit offices mentioned in the list within
period of 3 months from the date of issue of this letter. If
they exercise such an option to draw pay in SAS scale, they will
have to refund the overpayment if any, and the period of
deputation may then be counted for the purpose of increment in
the S.O.'s post in their parent offices.
2. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-
(A.K. Banerjee)
Deputy Director Personnel

(L)

-2-

No. 2349-A-NCEI/15-79
Copy forwarded to NGE II, NGE III, NGE IV, C.A. Wing, Railway
Wing, Audit, O.E. & Admn. and BRS Section for information.

(D.V. KOHLI)
Administrative Officer (N).

OFFICE OF THE DIRECTOR OF AUDIT (FOOD)
NEW DELHI.

NO. 452-DA(F)/5059

Dated 27th Aug, 80.

Copy forwarded for information and necessary action to-

1. Joint Director of Audit, South Zone, Madras.
2. Deputy Director of Audit, East Zone, Calcutta/Bombay.
3. Regional Audit Officer, Chandigarh.
4. Regional Audit Office, Lucknow.

Sd/-
(B.R.KHANNA)
AUDIT OFFICER (ADMN)

LIST OF DEFICIT OFFICES

S.No.	Name
<u>CIVIL AUDIT</u>	
1.	A.G. Assam, Meghalaya Etc. Shillong.
2.	D.A. (S.C&D) Bombay
3.	A.G. Karnataka, Bangalore.
4.	A.G. I, Maharashtra
5.	A.G. Gujarat, Ahmedabad
6.	A.G. Bihar, Ranchi

COMMERCIAL AUDIT

1.	M.A.B. & Ex-officio, DCA, Hyderabad
2.	M.A.B. & Ex-officio, DCA, W.R. Bombay
3.	M.A.B. & Ex-officio, DCA, BHEL Bhopal
4.	M.A.B. & Ex-officio, DCA, Calcutta
5.	-do- New Delhi
6.	-do- -do- Coal, Calcutta
7.	-do- -do- Dehradun
8.	-do- (petroleum & Coal) Madras
9.	-do- Ranchi

RAILWAY AUDIT

1.	DA Eastern Railway Calcutta
2.	DA (Central) Rly. Bombay

DEFENCE AUDIT

1.	D.A.D.S. New Delhi
----	--------------------

True copy
V V Subrahmanyam
Asst. Audit Officer
% Asst. Audit Officer (ADMN)
452-DA(F)/5059
27/8/80

T.C
6

⑥ Copy of Circular No. NGE/47/80, No. 2349-NGE.I/15-79 of Office of Comptroller & Auditor General of India, New Delhi-110 002, Dated 24 July, 1980 addressed to (1). All Accountants General (2). All Directors of Audit (Civil, P&T) (Defence of Railways) (3). All Members of Audit Board and Ex-Officio Directors of Commercial Audit (4). Director of Audit, New Delhi (5). Dy. Director (Personnel) Local.

.....
Sub: Deputation of S.A.S. passed officials as Section Officers to the deficit Offices - Benefit of service in ex-cadre posts for fixation of pay.

Sir,

I am directed to invite a reference to this Office circular letter No. 1002-NGE.I/15-79 Dated 2.4.80 on the subject indicated above and to state that the various points raised by the field Offices in this connection have been examined and following clarifications are given for future guidance:-

1. The cases of SAS passed personnel deputed to work as Section Officers in the deficit Offices of the I.A.&.A.D. in the past were referred to the Government of India for relaxation of the condition prescribed under proviso I(iii) of F.R.22 and necessary relaxation was sanctioned by them upto 31st March, 1973 in respect of the deficit Offices of Accountants General Assam, Himachal Pradesh and Chandigarh and Jammu & Kashmir only. Consequently, the service rendered as S.O. in the deficit Offices (list enclosed) will count for fixation of pay on reversion to the parent Office from 1.4.73 to 31.3.80, and the arrears of pay and allowances due on this account are payable from 1.4.73 or the date of posting to deficit Offices whichever is later. Necessary funds for this expenditure will be provided in the Revised Estimate for 1980-81, if necessary.
2. The benefit will also be admissible to all those who are no longer in service due to death or retirement etc. on 2.4.80, if they are otherwise entitled to it.
3. The deputationists who were drawing their grade pay plus deputation allowance ordinarily will not be entitled to this benefit in terms of the Government of India decision No. 17(i) below F.R.26 (Chaudhry's compilation of FR SR Vol. I-6th Edition). However, as the deputationists were not aware at the time of their deputation whether the relaxation now allowed by the Government of India would be available to them, they may be allowed to opt for the SAS scale in deficit Offices mentioned in the list within a period of 6 months from the date of issue of this letter. If they exercise such an option to draw pay in SAS Scale, they will have to refund the overpayments, if any, and the period of deputation may then be counted for the purpose of increment in the S.O. post in their parent Offices.

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

(A. Banerjee)

Deputy Director Personnel:

True Copy

Accounts Officer (Bills)

AN III

A II

175

Office of the Accountant General,
Andhra Pradesh-I:HYDERABAD-500476:

No.Bills-I/Genl/

Dt: 19-8.1980:

OFFICE ORDER NO:35

Copy of circular Lr.No.NGE. /47/80, 2349-NGE.I/15.79
Dt.25.7.80 received from the Comptroller & Auditor General
of India, New Delhi is displayed on the notice boards for
information of the staff members of A.G.A.P.I & II. The
persons, who are attracted by the contents of Para:1(c)
thereof may communicate their options to Bills-I Section
on or before 24.10.1980 positively.

19/8
Accounts Officer(Bills):

To

- i). All S.Os., through Co.rolling Sections.
- ii). All Notice Boards.
- iii). S.Os(on deputation)(thro: h Deputation Unit, Admn.I Sn)

(7)

LIST OF DEFICIT OFFICES

S.No. Name

CIVIL AUDIT:

1. A.G. Assam, Meghalaya etc. Shillong.
2. D.A. (S.C. & D) Bombay.
3. A.G., Karnataka, Bangalore.
4. A.G.I., Maharashtra.
5. A.G., Gujarat, Ahmedabad.
6. A.G. Bihar, Ranchi.

COMMERCIAL AUDIT:

1. M.A.B. & Ex-Officio, DCA, Hyderabad.
2. M.A.B. & Ex-Officio, DCA, Bombay.
3. MAB & Ex-Officio, DCA, BHEL, Bhopal.
4. MAB & Ex-Officio, DCA, Calcutta.
5. MAB & Ex-Officio, DCA, New Delhi.
6. MAB & Ex-Officio, DCA, Coal, Calcutta.
7. MAB & Ex-Officio, DCA, Dehradun.
8. MAB & Ex-Officio (Petroleum & Coal)
Madras
9. MAB & Ex-Officio, DCA, Ranchi.

RAILWAY AUDIT:

1. DA Eastern Rly. Calcutta.
2. DA (Central) Rly. Bombay.

DEFENCE AUDIT:

1. D.A.D.S., New Delhi.

T.C

[Signature]

Applied to CAG vide

U No. Admin. F/5-4/KW/

1-12/11 dt. 26.6.81

may be filed

9/16
A.O (A)

To 27/6

Circular letter No. THE/46/1981

NO. 1511-MEI/15-79-II

OFFICE OF THE COMPTROLLER &
AUDITOR GENERAL OF INDIA
NEW DELHI - 110002.

Dated: 6-5-1981 25 MAY 1981

All Accountants General
All Directors of Audit (Civil, P&T, Defence,
& Railways)
Director of Audit (Food)
D.D. (P) local.

Subject: Deputation of S.A.S. passed officials as Section
Officers to the deficit offices-Benefit of service
in ex-cadre posts for fixation of pay.

Sir,

I am directed to invite a reference to this office
circular letter No. 1002-MEI/15-79 dated 2.4.80 read with
this office letter No. 2349-MEI/15-79 dated 25.7.80 on the
subject indicated above and to state that Govt. of India,
Ministry of Finance have further agreed to the relaxation of
the conditions prescribed under proviso i(iii) of P.A. 11 to
11.3.81 in cases of S.A.S. passed persons who are on deputation
as Section Officers in deficit offices in I.A. & A.D. as shown
in the enclosed statement.

2. The position may, however, kindly be reviewed after
the announcement of the result of S.A.S. Examination 1980
and information in the following proforma may kindly be
furnished to this office by 31.7.81 for getting sanction
of the benefit beyond 31.3.81 from the Govt. of India:-

- Sanctioned strength of Section Officers
on 1.7.81.
- No. of Section Officer in position.
- Shortage after taking into account
all S.A.S. passed persons in your office.
- Manner of filling up vacancies shown
at (c) above:-
 - No. of supervisors working in place of
Section Officers as a stop-gap arrangement.
 - No. of S.A.S. passed officials on deputation
from surplus offices in I.A. & A.D.
 - No. of vacant posts.

3. The receipt of this letter may kindly be
acknowledged.

4. A Hindi version of the letter is also attached.

Yours faithfully,

(D.V. KOHLI)

ADMINISTRATIVE OFFICER (N)

* NADA *

AN V

(10)

Circular No. NGE/00/1202

A.V

No. 1835-NGEI/15-79-IV

OFFICE OF THE COMPTROLLER &
AUDITOR GENERAL OF INDIA
NEW DELHI-110 002

Dated: 22.6.1982.

To

All Directors of Audit including Defence, P&T,
Railways and Commercial and Accountants General
(as per mailing list)

j.d.gpd local.

Sub:- Relaxation of conditions prescribed under proviso
1(iii) of FR.22 in respect of SAS passed officials
deputed to deficit officers in I.A.&A.D.

Sir,

I am directed to invite a reference to this
office circular letter No. 1002-NGEI/15-79, dated.
2.4.80, No. 2349-NGEI/15/79, dated 25.7.80 and No. 1511NGEI/
15/79-II dated 6.5.81 on the subject mentioned above and
to state that the Government of India, Ministry of Finance
(Department of Expenditure) have further agreed to the
relaxation of the conditions prescribed under provisio
1(iii) of FR.22 upto 31.3.1982 in the cases of SAS passed
Auditors who are on deputation as Section officers to
deficit offices in I.A.&A.D as shown in the enclosed
statement.

Hindi version of the letter is also enclosed.

Yours faithfully,

Sd/-

(N. VESWANATHAN)

ADMINISTRATIVE OFFICER(N)

// True copy//

Contd...2....

Contd...2....

12
STATEMENT OF THE NAME OF DEFICIT OFFICES

S.No. Name of office

1. A.G.Assam, Meghalaya
Manipur, Tripura and
Nagaland.
2. A.G.Bihar
3. D.A (Scientific and
commercial Deptts.)
4. D.A. Central, Bombay
5. D.A.C.R. New Delhi.
6. D.A.C.W & M.
7. A.G. Gujrat
8. A.G. Maharashtra-I.,
9. A.G. Maharashtra-II

Posts and Telegraphs Audit offices.

10. P&T Audit office, Ahmedabad
11. P&T., Bombay
12. P&T. Bangalore
13. P&T., Bhopal
14. P&T., Audit office, Patna
15. P&T., S.W.T.C., Calcutta
16. P&T Audit office, Calcutta,
17. P&T Audit office, Madras,

Railway Audit offices

18. D.A. Central Railway
19. D.A. Eastern Railway and RPU
20. D.A. N.E. Railway
21. D.A. S.E. Railway
22. D.A. Western Railway
23. D.A. N.F. Railway

Deference Audit

24. D.A.D. SOrganisation
(including factory wing)

Commercial Audit

T.C.
15. Director of Audit, Western Railway

.....2.

Contd...2....

Contd...2....

25. MAB& Ex-officio, DCA Bangalore
26. -do- Bhopal
27. -do- Bombay
28. -do- Calcutta
29. -do- (Coal) Calcutta
30. MAB& Ex-officio, DCA, Dehradun
31. -do- Hyderabad
32. -do- (Petroleum & Oil Madras)
33. MAB & EX-officio, DCA, New delhi
34. -do- Ranchi.

//True copy//

GOVERNMENT AUDIT:

16. All Member Audit Boards & ex-officio Directors of Commercial Audit and Director of Audit (SCOD).

PEW AUDIT:

17. PEW Audit Offices at Ahmedabad, Bombay, Bhopal, Calcutta, Delhi, Madras, Patna, and SMC, Calcutta.

//True Copy//

Ch. G. M. J.

SG/BI

T.C.
CS

AN VI

(13)

Copy No. 3415-NGEI/15-79-IV, Office of the Comptroller and Auditor General of India, New Delhi-110 002., dated 26.11.82 circulated through the circular No. NGEI/132/1982. addressed to All Directors of Audit including Defence, Railway Commercial & Accountants General.

Sub:- Relaxation of conditions prescribed under proviso 1 (iii) of FR-22 in respect of GAS passed officials deputed to deficit offices in I.A. & A.D.

Sir,

I am directed to invite reference to this office marginally noted circular letters on the subject mentioned above and to state that the Government of India, Ministry of Finance (Department of Expenditure) have further agreed to the relaxation of the conditions prescribed under proviso 1 (III) of F.R.22 upto 31.3.83 in the cases of S.A.S. passed Auditors who are on deputation as Section Officers to deficit offices in I.A. & A.D. as shown in the enclosed statement.

2. Hindi version of the letter is also enclosed.

Yours faithfully,

Sd/---

(P. RAMAKRISHNAN),
ADMINISTRATIVE OFFICER (N).

Encl: As above.

LIST OF DEFICIT OFFICES IN I.A. & A.D. AS ON 1.7.1982

CIVIL:

1. Accountants General; Assam, Meghalaya, Mizoram, Arunachal Pradesh, Tripura, Nagaland and Manipur.
2. Accountants General-I & II, Gujarat.
3. Accountants General I & II, Maharashtra, Director of Audit, Central, Bombay and Director of Audit, S SC & D, Bombay.
4. Director of Audit, Central Revenues, New Delhi.
5. Director of Audit, Commerce Works & Misc (all offices).
6. Accountant General, Sikkim,
7. Accountant General, Haryana.

DEFENCE:

8. Director of Audit, Defence Services Organisations including Director of Audit, Ord. Factories.

RAILWAYS:

9. Director of Audit, Central Railway.
10. Director of Audit, Eastern Railway & R.P.U.
11. Director of Audit, Northern Railway.
12. Director of Audit, N.F. Railway.
13. Director of Audit, N.E. Railway.
14. Director of Audit, South Eastern Railway.
15. Director of Audit, Western Railway.

Contd...2.1...

Contd...2....

A VII

13

To

The Deputy Accountant General (Ac.A.),
Office of the Accountant General (A&E)
Andhra Pradesh,
Hyderabad.

Respected sir,

Sub: - Deputation of S.A.S Passed officials
as Section Officers' to the deficit
offices - Benefit of service in
ex-cadre posts for fixation of Pay.

* * *

I hereby submit the following few lines
for kind consideration and favourable orders.

I worked as Section Officer on deputation
to the Office of the Accountant General, Maharashtra I,
Bombay during the period May 1978 to May 1981. At that
time I was S.A.S Passed Auditor in this office. I was
promoted as Section Officer in the month of July 1981.

In this connection kind attention is
invited to copy No. 3415 - NGE 1/15-79-IV, Office of the
Comptroller and Auditor General of India, New Delhi -
110 002, dt., 26.11.1982 circulated through the
Circular No. NGE/132/1982 addressed to All Directors of
Audit including Defence, Railway commercial and
Accountants General (Copy and its related orders are
enclosed herewith).

As I had remained on deputation to the
deficit office as Section Officer within I.A and A.D,
I request to count the service rendered by me in
ex-cadre post of my deputation period for the purpose
of extending the benefit of Pay fixation on my promotion
as Section Officer in this office i.e., Parent office.

Contd...2....

10/12/82
10/12/82
10/12/82
(A)
(A)
(A)

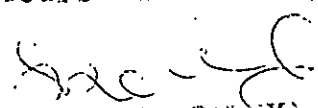
As deputationist and afterwards I was not aware of the benefit allowed by the Government of India for which I am entitled to it, I here by now opt for the S.D.S scale in deficit office and refund the deputation pay and allowances.

Therefore, I request that the period of deputation may be counted for the purpose of increment in the S.O's/SAO's post in this office, i.e., Parent office and request that the benefit of the arrears of Pay and Allowances on this account may kindly be payable to me.

Thanking you,

Place: Hyderabad
Date : 23.7.92

Yours faithfully,


(S.V. RANGA REDDY)
Asst. ACCOUNTS OFFICER.
Loan- Dept.

T.C



To

The Dy. Accountant General (Admn),
Office of the Accountant General (A&E),
Andhra Pradesh,
HYDERABAD.

Respected Sir,

Sub:- Deputation of S.A.S. passed officials
as Section Officers to the deficit
offices - Benefit of service in ex-cadre
for fixation of pay - Reg.

In continuation of my representation
dated:23-7-1992, I humbly submit that the Office Order
No.35 of Bills-I/Genl., dated:19-8-1980 of the Office
of the Accountant General, Andhra Pradesh-I, Hyderabad
(copy enclosed) has not been received by me. (It has to
be sent to me vide item No. iii i.e., S.Os on deputation -
through Deputation Unit, Administration-I Section).
Hence I could not exercise the option till 23-7-1992 i.e.,
the date of my representation.

Reference letter No.NGE/47/80,
2349 - NGE.I/15.79, dated:25-7-80 received from the
Comptroller and Auditor General of India, New Delhi also
indicates that as the deputationists were not aware at the
time of their deputation, the relaxation now allowed by
the Government of India would be available to them.

In view of above, I request that my
representation dated:23-7-1992 may kindly be considered
favourably.

Thanking you,


Yours faithfully,

Encl: Copy of Bills-I/Genl/
OO No.35, dt:19-8-1980
Hyderabad

Date: 07-09-1992

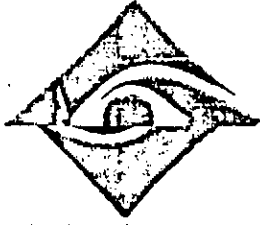

(S.V. RANGA REDDY)

Asst. Accounts Officer,
Loans-I.

T.C


A IX

S.B. (1)



शेखरिचार्ज. उत्तरनिष्ठा

भारतीय लेखा तथा लेखापरीक्षा विभाग
महालेखाकार (लेखा तथा हक) का कार्यालय

आंध्र प्रदेश, हैदराबाद-500 463

INDIAN AUDIT AND ACCOUNTS DEPARTMENT
ANDHRA PRADESH, HYDERABAD-500 463

A.S.(H&A)/Bills.I/Genl./

दिनांक/11.11.92

Dated: 5.11.92

19

With reference to his representation dated 23.7.92 Sri S.V.Ranga Reddy, Asst. Accounts Officer, is informed that the Headquarters Office in Circular No.NGE/47/80 - No.2349.NGL.1/15-79 dt.25.7.80 clearly stated that those officials who were on deputation to deficit offices and were drawing their grade pay plus deputation allowance were allowed to opt for the S.A.S. scale within a period of 3 months from the date of issue of the said circular. As there is no extension of date for changing option, the request of the Government servant to opt for the scale after a lapse of 12 years cannot be considered.

This issues with the approval of the
Accountant General.

[Signature]
ACCOUNTS OFFICER(BILLS)

To

Sri S.V.Ranga Reddy,
A.A.O./Loans.I Section.

T.C

8

A X

COMPLAINT

To
The Accountant General (A&E),

Andhra Pradesh,

HYDERABAD.

Most Respected Sir,

Sub:- Deputation of S.A.S. Passed
Officials as Section Officers
to the deficit officeys -
Benefit of service in ex-cadre
posts for fixation of pay -
Regarding.

Ref:- A.G. (A&E)/Bills I/Genl/81,
dated 5.11.92.

* * *

I humbly submit the following few lines for immediate orders to Bills I section and justice to me.

The Bills I section in the above reference dated 5.11.92 (copy enclosed) is silent on my representation dated 7.9.1992 (copy enclosed for ready reference) which clearly shows the suppression of the fact of non-supply/non-communication of the office order No. 35 of Bills I/Genl, dated 19.8.1980 of the Office of the Accountant General, Andhra Pradesh-I, Hyderabad to me.

The office order No. 35 of Bills I/Genl, dated 19.8.1980 of the Office of the Accountant General, Andhra Pradesh-I, Hyderabad in which the orders of Head Quarters

Contd...2...

:: 2 ::

Office Circular No. NGE/47/80 No 2349-NGEI/15-79, dated 25.7.80 have been incorporated and clearly ordered to communicate to me i.e., S.Os (on deputation) (through Deputation Unit, Admn. I Section) has not been made available to me for which I am not at fault.

The very purpose of issuing the benefit to the S.A.S. Passed Auditors for working in derelict offices. By not supplying/not communicating the O.O. No. 35, dated 19.8.1980 of the Office of the A.C., A.P. I, Hyderabad, I was not allowed to exercise the option thus violating the orders of the Comptroller and Auditor General of India dt. 25.7.1980.

The Comptroller and Auditor General of India, New Delhi was very kind enough by giving the benefit even to those who are no longer in service if they are otherwise entitled to it.

I was on deputation to the office of the Accountant General, Maharashtra I, Bombay as S.A.S. Passed Auditor during the period for which relaxation of the conditions for benefit was given both by the Government of India and the Comptroller and Auditor General of India.

In view of above, I humbly appeal to the Accountant General to look into the matter personally and to order the Bills I Section immediately for fixation of my pay as requested under intimation to me as the O.O. No. 35 of Bills I/ Genl, dt. 19.8.1980

Contd...3...

of the Office of the Accountant General, Andhra Pradesh I, Hyderabad was not made available/not supplied to me inspite of clear orders.

The question of my^{not} exercising the option within three months does not arise when the O.O. No. 35 of Bills I, dt.19.8.80 was not at all supplied or not at all communicated to me.

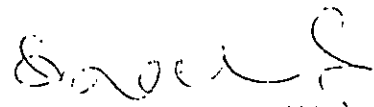
I humbly request for an immediate reply in the matter.

Thanking you,

Yours faithfully,

Date: 6.11.1992.


Hyderabad.


(S.V. RANGA REDDY)

Asst. Accounts Officer,
Loans I.

Enclosures :

1. My Representation dated 7.9.1992.
2. No. Bills-I/Genl/O.O. No.35, dt.19.8.1980 of the Office of the Accountant General Andhra Pradesh-I, Hyderabad-500 476.
3. Circular No. NGE/21/1980, Lr.No. 1002-NGE-I/15-79, dated 2.4.1980 of the Comptroller and Auditor General of India, New Delhi.
4. A.G.(A&E)/Bills-I/Genl./81, dt. 5.11.92.

T.C


DRL 1/CEH/AGE)/

dated 26th May 1993.

A 71

22

Sub:-Deput tion of SAS Passed Officials
as Section Officers to Deficit
Offices-regarding.

Sri S.V.Ranga Reddy, A.A.O. is informed
that his request for belated option has been considered and
not accepted by Comotroller and Auditor General's Office.

[Signature]
ACCOUNTS OFFICER
(BILLS)

26/5/93

To
Sri S.V.Ranga Reddy,
A.A.O.,
Lodges-I An.

T.C

[Signature]

A XII

To
The Comptroller and Auditor General of India,
10 - Bahadur Shah Zafar Marg,
New Delhi Post Office,
NEW DELHI - 110 002.

Through
The Accountant General (A & E),
Andhra Pradesh,
HYDERABAD .

Most Honourable Sir,

Subj:- Appeal for Justice -

deputation of S.A.S. Passed Officials
as Section Officers to the deficit

offices - Benefit of service in
ex-cadre posts for fixation of
Pay -- Regarding.

I humbly submit the following few lines
for sympathetic consideration and justice to me.

I worked as Section Officer on deputation
to the office of the Accountant General, Maha-
rashtra-I, Bombay during the period of May 1978
to May 1981. At that time, I was S.A.S. Passed
Auditor in the office of the Accountant General,
Andhra Pradesh, Hyderabad, I was promoted as
Section Officer in my parent office i.e. office
of the Accountant General, Andhra Pradesh, Hyde-
rabad in the month of July, 1981.

In this connection kind attention is invi-
ted to Copy No. 3415-NCE 1/15-79-IV, office of
the Comptroller and Auditor General of India,
New Delhi dated 26.11.1982 circulated through
the Circular No NCE/132/1982. (Copy and its
related orders are enclosed herewith).

I was on deputation to the office of the Accountant General, Maharashtra-I, Bombay as S.A.S. passed Auditor during the period for which relaxation of the conditions for benefit was given both by the Govt. of India and the Comptroller and Auditor General of India.

As per Govt. of India orders vide G.O. Govt. of India, M.F.O.M.No. F1(2)-Est IV/55 dated 18.6.55 the terms and conditions should be communicated to the deputationist by the parent office.

But the office order No. 35 of Bills I/ Genl. dated 19.8.1980 of the office of the Accountant General, Andhra Pradesh-I, Hyderabad (i.e. my parent office) in which the orders of Head Quarters Office Circular No. NCE/47/80 No. 2349-NCE1/15-79 dated 25.7.1980 have been incorporated and clearly ordered to communicate to me i.e. S.Os (on deputation) (through Deputation Unit, Admn.I Section) has not been communicated to me for which I am not at fault and this is only an administrative lapse/mistake and negligence. This fact of Administrative lapse has been brought to the notice of the Deputy Accountant General (Admn) in my letter dated 7.9.1992 and the suppression of the fact of Administrative lapse/negligence to the Accountant General in my letter dated 6.11.1992 (copies of which are enclosed) and there is no denial of the fact of Administrative negligence/lapse/mistake/fault. Hence my case is rightly admissible and there is no justification in not accepting my case.

Contd...3...

Para (C) of Circular letter No. GE/47/80 No. 2349-NGE.1/15.79 dated 25.7.80 indicates that " as the deputationists were not aware at the time of their deputation, the relaxation now allowed by the Govt. of India would be available to them ".

Para (B) of the above circular also indicates that the benefit will also be admissible to all those who are no longer in service due to death or retirement etc., on 2.4.80 if they are otherwise entitled to it and Para (A) provides for payment of arrears of Pay and allowances due on this account even from 1973 onwards.

No time limit for exercising the option has been fixed vide Para 2 of Circular No. NGE/21/1980 Lr.No. 1002-NGE.1/15-79 dated 2.4.80 and ordered that steps be taken whenever necessary to extend the benefit of pay fixation for the ex-cadre service rendered in deficit offices and hence the option plays only an artificial role as the deputationists are otherwise entitled to the benefit.

As the office order No. 35 of Bills-I/Genl. dated 19.8.1980 of the office of the Accountant General, Andhra Pradesh-I, Hyderabad (Copy enclosed) has not been communicated to me on account of Administrative negligence/mistake/lapse (it has to be communicated to me vide item No. iii i.e. S.Os on deputation - through Deputation Unit - Administration-I Sect on), I could not exercise the option till 23.7.1992 i.e., the date of my representation to the Deputy Accountant General (Admn).

Contd...4...

This benefit of service in ex-cadre posts for fixation of pay is given to them for serving in deficit offices. By denying me this benefit on account of Administrative lapse/mistake/negligence, I am being subjected to a lot of hardship. Moreover, this is only a benefit and not a punishment for serving in deficit offices.

It is apparent that the Bills-I section of our office has not furnished the correct facts in detail to C.A.G's Office. In spite of my specific complaint dated 6.11.1992 to the Accountant General regarding the suppression of correct facts, the Bills-I Section has again suppressed the correct facts while addressing the C.A.G's Office in my case.

The repeated suppression of correct facts by Bills-I Section is brought to the personal notice of C.A.G. of India. As the Bills-I Section has suppressed the correct facts and addressed C.A.G's Office, the case with suppressed facts cannot elicit correct judgement. C.A.G's Office has not come across my representations.

I am rightfully entitled for the benefit and benefit is denied to me by indulging in suppression of facts, I find no alternative except to submit my case to the highest authority and also as per Para 146 of Manual of Standing Orders (Administrative) Vol.I (Second Edition).

I may be the only employee in A&E Office to get this benefit. Hence there will be no anomalies and other employees will not have any grievance on account of this benefit as per Circular No. RGE/21/1980 Lr.No. 1002-RGE.1/15-79 dated 2.4.1980.

Contd...5...

The question of my not exercising the option or exercising a belated option does not arise when the O.O. No. 35 of Bills-I dt.19.8.80 of the office of the Accountant General, Andhra Pradesh-I, Hyderabad was not at all communicated to me as per orders of Govt. of India, M.F.O.M. No. FI(2)-Est IV/55 dated 18.6.55.

The letter number of Head Quarters letter in which my case was not accepted has not been informed to me by our office inspite of my repeated written requests.

In view of the above, I humbly appeal that my case may sympathetically be reviewed and liberally construed so as to advance substantial justice to me.

Thanking you, Your Honour,

Yours faithfully,

(S.V. RANCA-REDDY),
Asst. Accounts Officer,

Date: 21.6.1993.
Hyderabad.

Loans-I
O/o The Accountant General
(A&E), Andhra Pradesh,
Hyderabad.

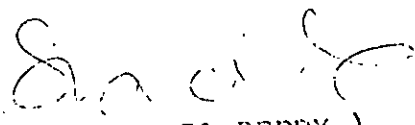
Enclosures :-

1. Copy No. 3414-NGE1/15-79-IV office of the Comptroller and Auditor General of India, New Delhi.
2. Copy of Circular No. NGE/21/1980 Lr. No. 1002-NGE-1/15-79 dated 2.4.1980.


Contd...6...

3. No. Bills-1/Genl/Office Order No. 35 dated 19.8.1980 of the Office of the Accountant General, Andhra Pradesh-I, Hyderabad with copy of Circular No. NGE/47/80 No. 2349-NGE.1/15-79 dated 25.7.1980.
4. Copy of Circular letter No. NGE/46/1981 No. 1511-NGE.1/15-79-II dated 6.5.1981.
5. Copy of Circular No. NGE/60/1982 No. 1835-NGE.1/15-79-IV dated 22.6.1982.
6. Copy of my representation dated 7.9.1992 addressed to the Deputy Accountant General (Admn).
7. Copy of my complaint dated 6.11.1992 to the Accountant General.
8. Copy of Bills-1/Genl/ASE/1-4/T.R. No.53 dated 26.5.1993.

Advance copy to the Comptroller and Auditor General of India, 10-Bahadur Shah Zafar Marg, Indraprastha Head Post Office, New Delhi-110 002.


(S.V. RANGA REDDY)
Asst. Accounts Officer,

Loans-I.

T.C


29

A XII

Office of the Accountant General
Andhra Pradesh, Hyderabad-500063

No. Admn. I/A&E/U. I/94-95/23

Dated: 4.5.94
13.6.94

M E M O

Sub: Deputation of SAS passed officials as Section Officers to deficit Audit Offices-Benefit of service in ex-cadre posts for pay fixation - Reg.

With reference to his representation dated 21.6.1993 addressed to the Comptroller & Auditor General of India, regarding extension of time for exercising revised option for fixation of pay which arose on account of his deputation to a deficit Audit Office during the period 1978-81, Sri S.V.Ranga Reddy, Assistant Accounts Officer is hereby informed that his request was considered by the Headquarters Office and rejected being time barred. Further he has been directed by the Headquarters Office not to write to Headquarters Office directly in future.

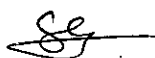


DY. ACCOUNTANT GENERAL (ADMN)

Office of the Accountant General
Andhra Pradesh, Hyderabad-500063

To

Sri S.V.Ranga Reddy, AAO,
Pension Group.

T-C


7
2.6.94

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

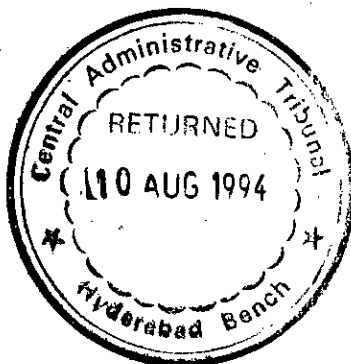
Date: 4.8.94

O.A.REGD.No. 2031

To
Sh. T. Sudheer, Adv
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action Under Rule 5 (4) will follow.

1. Chronological events date orient ~~to be~~ ^{filed}
2. Service of O.A. ~~to be~~ ^{effected} on Deptl. Counsel.
- 3.
- 4.
5. Compared with T. Sudheer 10-8-94
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.



Deputy Registrar (Judl.)

4.8.94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD
O.A. NO:989/94

Between:

S.V.Ranga Reddy

... Applicant

AND

Comptroller & Auditor General
of India, Bahadur Shah Zafar
Marg, New Delhi & another.

... Respondents


COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENTS

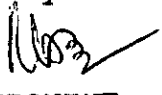
I, N.V.Jagannadha Das, S/O.Sri N.Shee Rama Murthy,
aged about 57 years, do hereby solemnly affirm and state as
follows:

1. I am the Dy.Accountant General(Admn) in the office
of Accountant General (A&E), A.P., Hyderabad and Respondent
No: 2 herein and as such I have read the application and
filing this counter affidavit on behalf of all the
respondents herein, as I have been authorised to do so.
The averments made by the applicant in the application
are neither true nor correct save those that have been
expressly admitted hereunder. The applicant is, therefore,
put to strict proof of such averments that have not been
traversed hereunder.

2. The averments in paras 1 to 5 of the application
are only formal and as such they do not call for any remarks.

1st page corrections


ATTESTOR
K. CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.


DEPONENT
एन. वी. जगन्नाध दस
N. V. JAGANNADHA DAS
उप. क्हालेखाकार (प्रशासन)
Dy. Accountant General (Admn)
महा लेखाकार का कार्यालय (ऑफिस ऑफ़ अकंटांट जनरल)
Office of the Accountant General (A & E)
आ. प्र. हैदराबाद-५०० ४६३.
A. P. HYDERABAD-500 463.

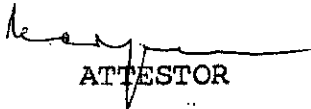
(2)


3. Regarding the averments in para:6 of the application, I submit that the pay benefits available to the S.A.S. qualified Auditors opting to work as Section Officers in the deficit offices during the period from 6-5-76 in terms of Lr.No:1028-NGE.III/1975, dated 6-5-76 of the Comptroller & Auditor General of India was as follows:-

- i). Pay as fixed under the normal rules in the scale of the post of Section Officer; or
- ii) Pay as Auditor plus deputation special pay which is fixed. On getting proforma promotion in their parent office in the grade of Section Officer, the S.A.S. qualified auditors are entitled to the deputation special pay over and above the pay fixed in the Section Officers scale in the parent office.

4. While so, the C & A.G. of India issued orders in Circular No:NGE/21/1980, letter No:1002-NGE.I/15-79, dated 2-4-80 and clarified in Circular No:NGE/47/80, letter No:2349-NGE.I/15-79, dated 25-7-80 according to which the service rendered as Section Officer by the SAS qualified personnel deputed to work as Section Officers in the deficit offices of the IA & AD during the period from 1-4-73 to 31-3-80 and who opted for fixation of pay in the scale of pay applicable to the post of Section Officer, is to be counted for fixation of pay on their promotion to the Section Officer's cadre in their parent office.

2nd Page corrections


ATTESTOR
K. CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.

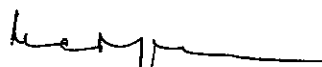

DEPONENT
एन. वो. जगन्नाध दस
N. V. JAGANNADHA DAS
उप. कहालेखाकार (प्रशासन)
Dy. Accountant General (Admin)
महा लेखाकार का कार्यालय (लेंडा एवं हक)
Office of the Accountant General (A & E)
आ. प्र. हैदराबाद-५०० ४६३.
A. P. HYDERABAD-500 463

It was also stated therein that officers who were not aware at the time of their deputation about the said relaxation may be allowed to opt for fixation of pay in the SAS scale within a period of 3 months from the date of issue of the orders dated 25-7-80. In case they exercised such an option to draw pay in the SAS scale, they will have to refund the over-payments, if any, and that the period of deputation may then be counted for the purpose of increments in the Section Officer's post in their parent office. The above circular was communicated to all the Section Officers in Head office and a copy of it was placed on the notice board. Copies of the circular were also sent to all the deputationists. The averment that the said circular was not sent to the applicant is, therefore, not correct.


5. (i) It is a fact that the benefit of reckoning of service rendered as Section Officer in the deficit office for the purpose of fixation of pay on regular promotion as Section Officer in parent office was extended by Government for the period upto 31.3.91. But the orders issued after 25-7-80, which were notified to all the staff in general, were admissible to fresh deputationists only and not to the Applicants. Hence, the orders issued after 25-7-80 are not relevant.

ii) The applicant qualified in the SAS in November 75 was awaiting promotion as Section Officer. He opted to go on deputation to the office of the Accountant General, Maharashtra-I, Bombay which was declared

3rd Page Corrections


ATTESTOR

K. CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.


DEPONENT

एन. वी. जगन्नाथ दास
N. V. JAGANNADHA DAS
उप. महालेखाकार (प्रशासन)
Dy. Accountant General (Admin)
महा लेखाकार का कार्यालय (लेंवा एवं हक)
Office of the Accountant General (A & E)
आ. प्र. हैदराबाद-५०० ४६३.
A. P. HYDERABAD-500 463

as a deficit office. He was on deputation from 19-5-78 to 10-5-81. During the said period of his deputation he drew pay in the scale of Auditor and deputation special pay as opted by him and which was more beneficial to him. While he was on deputation, the circular dated 25-7-80 was communicated to the applicant, The C & A.G. of India New Delhi also communicated such circulars to the Accountant General, Maharashtra for notifying the same to all the staff. He did not, for the reasons best known to him, opt for the Section Officer's scale. The benefit therefore, of his service as Section Officer in the deficit office was not allowed to him while fixing his pay on his getting promotion as Section Officer w.e.f.

for the first time his representation dated 23-7-92 addressed to the Deputy Accountant General (Admn.), O/o. Accountant General (A&E) A.P., requesting to count the service on deputation from May, 78 to May, 81 for the purposes of increments while fixing pay in the post of Section Officer in the parent office. He submitted yet another representation dt. 7-9-92 to the Deputy Accountant General (Admn), Office of the A.G. (A&E), Hyderabad stating that, the Office order No:35, dated 19-8-80 of the Accountant General, Andhra Pradesh, Hyderabad was not received by him and 4th page corrections

ATTESTOR

K. CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.

DEPONENT

एन. वी. जगन्नाथ दास

N. V. JAGANNADHA DAS

उप. कहालेखाकार (प्रशासन)

Dy. Accountant General (Admn)

महा लेखाकार का कार्यालय (लेंबा एवं हक)
Office of the Accountant General (A & E)

आ. प्र. हैदराबाद-५०० ४६३.

A. P. HYDERABAD-500 463.

hence he could not exercise option till 23-7-92

(i.e. the date of his first representation) and requested for consideration of his representation.

After careful consideration of his representation he was informed in letter No:AG (A&E)/Bills.I/Genl/81, dated 5-11-92 that the time allowed to the deputationists for exercising option for the SAS scale was 3 months from the date of issue of the circular No:2349-NGE.I/15-79, dated 25-7-80 and, therefore, his request could not be considered. He submitted another representation dated 6-11-92 addressed to the Accountant General (A&E), A.P., on similar lines and requested to allow him to opt for Section Officer's scale during his period of deputation. The matter was taken up with the C & A.G. of India who after consideration rejected as belated. The applicant was also informed of the same vide Memo. dt.26-5-93. He again submitted another representation dated 21-6-93 to the C & A.G. of India. After considering, it was rejected by C. & A.G. of India. as time-barred and the same was informed to him vide letter dated 13-6-94.

iii). The contention that the C & A.G.'s circular was not communicated to him is not correct as a copy of the said circular was circulated to all the deputationists. The Accountant General, Maharashtra who was in receipt of the said circular communicated to all the staff members of his office.

iv). As already stated above the applicant opted for the scale of pay of the auditor and the deputation special pay and not for the Section Officer's grade.

5th page corrections

ATTESTOR

K CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.

DEPONENT

एन. वी. जगन्नाथ दास

N. V. JAGANNADHA DAS

उप. क्हालेखाकार (प्रशासन)

Dy. Accountant General (Admn)

महा लेखाकार का कार्यालय (लेखा एवं हक)
Office of the Accountant General (A & E)

आ. प्र. हैदराबाद-५०० ४६३.

A. P. HYDERABAD-500 463

pay. He cannot at this distance of time be permitted to change the option once exercised.

v). It is also not correct to say that no reasons were given in the Memo. dated 13-6-94 as it was clearly stated that the representation was rejected being time-barred.

vi). I submit that the respondent No:1 was right in rejecting the representation as time-barred as the circular was communicated to all the field staff, including the deputationists.

6. The averment made by the applicant in para 6(m) of the application is not based on facts. I submit that in para (c) of the Comptroller and Auditor General's circular dated 25-7-80, it was mentioned that the deputationists who were working under special deputation allowance ordinarily would not be entitled to the benefit in terms of Government of India decision No:17(i) below FR.26 (Chowdary's compilation of F.R.S.R. Vol.I-6th Edition). However, as the deputationists were not aware at the time of their deputation about the relaxation, they were allowed to opt for the SAS Scale in deficit offices provided the 6th page corrections

ATTESTOR

K. CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.

DEPONENT

एन. वी. जगन्नाथ दास

N. V. JAGANNADHA DAS

उप. कहालेखाकार (प्रशासन).

Dy. Accountant General (Admn)

महा लेखाकार का कार्यालय (लेखा एवं ह. फ.)
Office of the Accountant General (A & E)

आ. प्र. हैदराबाद-५०० ४६३.

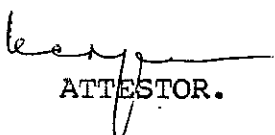
A. P. HYDERABAD-500 463.

revised option was exercised within a period of 3 months from the date of issue of the circular dated 25-7-80. Thus the applicant was given an opportunity to opt for the S.A.S. scale but he chose not to avail it.

In view of the foregoing submissions, it is clear that the applicant has failed to make out any case for grant of the relief prayed for. There are no merits either on facts or in law warranting any interference by this Hon'ble Tribunal. Hence it is prayed that the Hon'ble Tribunal may be please to dismiss the application with costs.

Sworn and signed before me

on this the 26th day of December,
1994.


ATTESTOR.
K. CHANDRA MOHAN
SENIOR ACCOUNTS OFFICER
O/O ACCOUNTANT GENERAL (A & E)
A.P., HYDERABAD.


DEPONENT

एन. वी. जगन्नाथ दास
N. V. JAGANNADHA DAS
उप. कहालेखाकार (प्रशासन)
Dy. Accountant General (Admin)
महा लेखाकार का कार्यालय (लैवा एवं हक)
Office of the Accountant General (A & E)
आ. प्र. हैदराबाद-५०० ४६३.
A. P. HYDERABAD-500 463

OFFICE OF THE COMPTROLLER & AUDITOR-GENERAL OF INDIA:
NEW DELHI.

No. 1022-NCE.III/12-25

Dated: 6.5.1976

To

All Accountants General, etc.
(as per mailing list)
(Excluding subordinate offices under them).

Subj: Grant of deputation Special Pay to Class III Staff of I.A.&.A.D.
on deputation within I.A.&.A.D.

Sir,

The question whether the S.A.S. passed Auditors deputed to deficit Offices to work as Section Officers can be allowed to draw their grade pay plus deputation Special Pay, if it is more advantageous to them, instead of the pay as admissible in the Section Officers' scale has been under consideration of this office for some time past. In partial modification of para 4 of the scheme for utilising the surplus S.A.S. passed men in offices where there are shortages of Section Officers, circulated in this office letter No. 2371-NCE.II/25-61 Pt.VII dated 11.9.1961, it has been decided that the S.A.S. passed auditors deputed to other offices may be given an option to choose between:

- (a) pay as fixed under the normal rules in the scale of the post of Section Officer, and
- (b) pay as auditor plus deputation special pay @ 20% (30% in the case of transfers to Jammu and Kashmir, Maharashtra at Bombay city, Assam, Nagaland, Manipur, Tripura, etc.) subject to a maximum of Rs.150/- for transfers outside the State and Rs.100/- for transfers within the State but outside the circle of audit. Special Pay will remain fixed and will not vary with the increase in pay. It is also subject to the condition that pay plus deputation special Pay should not exceed the maximum of the time scale of the post.

2. No Special Pay is admissible if the transfer does not involve change of station. In such cases the S.A.S. passed auditors will be allowed pay in the scale of Section Officers and they will continue to draw pay in the Section Officer's scale even after their proforma promotion.

3. On their getting proforma promotion to the grade of Section Officers, the S.A.S. passed auditors are entitled to the Deputation Special Pay @ 20% or 30% as the case may be over and above the pay fixed in the Section Officer's scale in their parent offices subject to other conditions mentioned in para 1 (b) above.

4. These instructions take effect from the date of issue. The cases of S.A.S. passed auditors on deputation who have not yet got the proforma promotion in their parent offices may also be dealt under these orders and proposals for grant of deputation special pay referred to this office. In case they opt to draw their grade pay as auditor plus Special Pay under 1(b) above, the rate of Special Pay admissible will be determined with reference to pay as Auditor on the date on which they went on deputation.

Yours faithfully,

Don C. S.

(B.E. LAL)

ASST. COMPT. & AR. GENERAL (N)

There are no S.A.S. passed Auditors
from other offices working in this

Office against the posts of S.Os in

deputation. We may if required

furnish a copy of the P.O.C to BILLS & MILE P.O.C

3-12/76-77.

(52)

Office of the Accountant

Circular No. NGE/21/1980, Ir. No. 1002-NGE.1/15-79, dt. 2.4.1980 received from the Comptroller & Auditor General of India, New Delhi-110002 addressed to All Accountants General. --Copy of--

Sub: Deputation of S.A.S. passed officials as Section Officers' to the deficit offices-Benefit of service in ex-cadre posts for fixation of pay.

-000-

Sir,

As you are aware, we have not been able to attract enough number of volunteers for deputation as S.O.'s to deficit offices in I.A. & A.D. from amongst S.A.S. passed officials awaiting promotion, the main reason being that the provisions in F.R. 22 after its amendment on 30-11-65 do not permit counting of their service in ex-cadre posts for the purpose of fixation of pay when they receive regular promotion as S.O.'s in their parent offices. This has created a situation in which the deficit offices are suffering for want of qualified personnel, on the one hand, and the surplus offices are facing discontent from amongst S.A.S. passed officials for want of promotional avenues, on the other. The question of finding a solution to this problem has been under consideration for some time past in consultation with the Government of India, Ministry of Finance who have since issued sanction to the relaxation of the conditions prescribed under provision 1(iii) of F.R. 22 for the period upto 31-3-80 or the date of announcement of the results of S.A.S. Examination, 1979 whichever is earlier.

2. In the light of the Government sanction, it is now permissible for S.A.S. passed officials who had remained on deputation or are on deputation to the deficit offices in I.A. & A.D. to count the service rendered by them in ex-cadre posts upto 31-3-1980 for the purpose of pay fixation on their promotion as S.O.'s in parent offices. This concession will not, however, give them any benefit of seniority over their seniors who may not have opted for deputation as they had done, nor will it provide an occasion for the seniors to get their pay stepped up with reference to the pay of the juniors getting the benefit of pay fixation as above. This position may please be brought to the notice of the staff under your control and steps taken whenever necessary, to extend the benefit of pay fixation for the ex-cadre service rendered in deficit offices in I.A. & A.D. upto 31-3-80.

3. After the announcement of the results of S.A.S. Examination held in December, 1979, it is proposed to approach the Government of India again for extending the period of sanction beyond 31-3-80 without any time limit. To facilitate a reference in this regard it is requested that information in the proforma given in the Annexure may please be furnished within one month of the declaration of results.

4. The receipt of this communication may please be acknowledged.

Yours faithfully,

(SD.) B.P. Lal

Asst. Comptroller & Auditor General (I.A. & A.D.)
Dated: 2.4.80

N. 1002-11.1/15-79/

Copy forwarded for information to NGE. II, NGE. III, NGE. IV, C.A. Wing, Railway Audit Wing, Audit, W & A and P.A. Section.

(SD.) D.V. Reddy

ASST. COMPTROLLER & AUDITOR GEN. (I.A. & A.D.)

Original letter

in Bill D.S.P.

p.t.o..

Office of the Accountant General,
Andhra Pradesh-I:HYDERABAD-500476:

No.Bills-I/Genl/

Dt: 19-8.1980:

OFFICE ORDER NO:35

Copy of circular Lr.No.NGE /47/80, 2349-NGE.I/15.79
Dt.25.7.80 received from the Comptroller & Auditor General
of India, New Delhi is displayed on the notice boards for
information of the staff members of A.G.A.P.I & II. The
persons, who are attracted by the contents of Para:1(c)
thereof may communicate their options to Bills-I Section
on or before 24.10.1980 positively.

19/8
Accounts Officer(Bills):
G. H.

To

- i). All S.Os., through Controlling Sections.
- ii). All Notice Boards.
- iii). S.Os(on deputation)(through Deputation Unit, Admn.I Sn).

Comptroller & Auditor General of India, New Delhi. Dated 2.4.80
July, 1980 addressed to (1). All Accountants General (2). All Directors
of Audit (Civil, PET) (Defence of Railways) (3). All Members of Audit
Board and Ex-Officio Directors of Commercial Audit (4). Director of Audit
New Delhi (5). Dy. Director (Personnel) Local.

Sub: Deputation of S.A.S. passed officials as Section Officers to the
deficit Offices - Benefit of service in ex-cadre posts for
fixation of pay.

Sir,

I am directed to invite a reference to this Office circular letter
No. 1002-PGE.I/15-79 Dated 2.4.80 on the subject indicated above and to
state that the various points raised by the field Offices in this
connection have been examined and following clarifications are given
for future guidance:-

- a). The cases of SAS passed personnel deputed to work as Section
Officers in the deficit Offices of the I.A.&A.D. in the past
were referred to the Government of India for relaxation of the
condition prescribed under proviso I(iii) of F.R.22 and necessary
relaxation was sanctioned by them upto 31st March, 1973 in respect
of the deficit Offices of Accountants General Assam, Himachal
Pradesh and Chandigarh and Jammu & Kashmir only. Consequently,
the service rendered as S.O. in the deficit Offices (list enclosed
will count for fixation of pay on reversion to the parent Office
from 1.4.73 to 31.3.80, and the arrears of pay and allowances
due on this account are payable from 1.4.73 or the date of posting
to deficit Offices whichever is later. Necessary funds for this
expenditure will be provided in the Revised Estimates for 1980-81
if necessary.
- b). The benefit will also be admissible to all those who are no longer
in service due to death or retirement etc. on 2.4.80, if they
are otherwise entitled to it.
- c). The deputationists who were drawing their grade pay plus deputa-
tion allowance ordinarily will not be entitled to this benefit
in terms of the Government of India decision No.17(i) below
F.R.26 (Chaudhry's compilation of FR SR Vol. I-6th Edition).
However, as the deputationists were not aware at the time of
their deputation whether the relaxation now allowed by the
Government of India would be available to them, they may be
allowed to opt for the SAS scale in deficit Offices mentioned
in the list within a period of 3 months from the date of issue
of this letter. If they exercise such an option to draw pay in
SAS Scale, they will have to refund the overpayments, if any,
and the period of deputation may then be counted for the
purpose of increment in the S.O.'s post in their parent Offices.

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

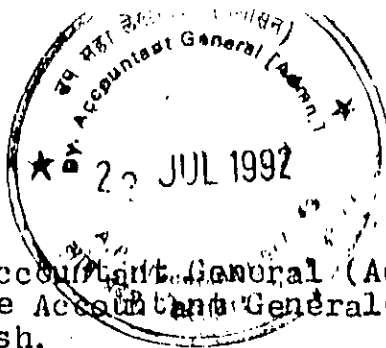
(A.K. Banerjee)

Deputy Director Personnel:

True/Copy

Accountant

(11113):



DAG (Admin)

No. 258 dt. 23/7/92

To

The Deputy Accountant General (Admin.),
Office of the Accountant General (A&E)
Andhra Pradesh,
Hyderabad.

Respected sir,

Sub:- Deputation of S.A.S Passed officials
as Section Officers' to the deficit
offices - Benefit of service in
ex-cadre posts for fixation of Pay.

* * *

I hereby submit the following few lines
for kind consideration and favourable orders.

I worked as Section Officer on deputation
to the Office of the Accountant General, Maharashtra I,
Bombay during the period May 1978 to May 1981. At that
time I was S.A.S Passed Auditor in this office. I was
promoted as Section Officer in the month of July 1981.

In this connection kind attention is
invited to copy No. 3415 - NGE 1/15-79-IV, Office of the
Comptroller and Auditor General of India, New Delhi -
110 002, dt., 26.11.1982 circulated through the
Circular No. NGE/132/1982 addressed to All Directors of
Audit including Defence, Railway commercial and
Accountants General (Copy and its related orders are
enclosed herewith).

As I had remained on deputation to the
deficit office as Section Officer within I.A and A.D.,
I request to count the service rendered by me in
ex-cadre post of my deputation period for the purpose
of extending the benefit of Pay fixation on my promotion
as Section Officer in this office to Parent office.

(f210)

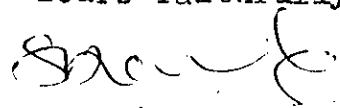
As deputationist and afterwards I was not aware of the benefit allowed by the Government of India for which I am entitled to it, I here by now opt for the S.A.S scale in deficit office and refund the deputation pay and allowances.

Therefore, I request that the period of deputation may be counted for the purpose of increment in the S.O's/AAO's post in this office, ie., Parent office and request that the benefit of the arrears of Pay and Allowances on this account may kindly be payable to me.

Thanking you,

Place: Hyderabad
Date : 23.7.'92

Yours faithfully,



(S.V. RANGA REDDY)
Asst. ACCOUNTS OFFICER.
Loans I.

To

The Dy. Accountant General (Admn),
Offices of the Accountant General (Admn),
Andhra Pradesh,
HYDERABAD.

Respected Sir,

Sub:- Deputation of S.A.S. passed officials
as Section Officers to the deficit
offices - Benefit of service in ex-cadre
posts for fixation of pay. - Reg.

* * * * *

In continuation of my representation
dated:23-7-1992, I humbly submit that the Office Order
No.35 of Bills-I/Genl., dated:19-8-1980 of the Office
of the Accountant General, Andhra Pradesh-I, Hyderabad
(copy enclosed) has not been received by me. (It has to
be sent to me vide item No. 111 i.e., S.Os on deputation -
through Deputation Unit, Administration-I Section).
Hence I could not exercise the option till 23-7-1992 i.e.,
the date of my representation.

Para (C) of Circular letter No.NGE/47/80,
2349 - NGE.I/15.79, dated:25-7-80 received from the
Comptroller and Auditor General of India, New Delhi also
indicates that as the deputationists were not aware at the
time of their deputation, the relaxation now allowed by
the Government of India would be available to them.


In view of above, I request that my
representation dated:23-7-1992 may kindly be considered
favourably.

Thanking you,

Yours faithfully,

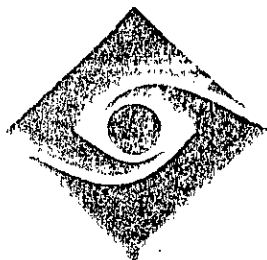
Encl: Copy of Bills-I/Genl/
OO No.35, dt:19-8-1980
Hyderabad

Date: 07-09-1992


(S.V. RANGA REDDY)
Asst. Accounts Officer,
Loans-I.

भारतीय लेखा तथा लेखापरीक्षा विभाग
महालेखाकार (लेखा तथा हक) का कार्यालय
आंध्र प्रदेश, हैदराबाद-500 463

INDIAN AUDIT AND ACCOUNTS DEPARTMENT
OFFICE OF THE ACCOUNTANT GENERAL (A&E)
ANDHRA PRADESH, HYDERABAD - 500 463



लोकहितार्थं सत्यमिच्छा

A.G(A&E)/Bills.I/Genl./Dated 8/11/92

Dated: 8/11/92

With reference to his representation dated 23.7.92 Sri S.V.Ranga Reddy, Asst.Accounts Officer, is informed that the Headquarters Office in Circular No.NGE/47/80 No.2349.NGL.I/15-79 dt.25.7.80 clearly stated that those officials who were on deputation to deficit offices and were drawing their grade pay plus deputation allowance were allowed to opt for the S.A.S. scale within a period of 3 months from the date of issue of the said circular. As there is no extension of date for changing option, the request of the Government servant to opt for the scale after a lapse of 12 years cannot be considered.

This issues with the approval of the Accountant General.

11/5/92
ACCOUNTS OFFICER(BILLS)

To

Sri S.V.Ranga Reddy,
A.A.O/Loans.I Section.

next copy

AG(A&E) Dec 11 / OCR 86 Dt. 9-11-92

(64)

1
12/11/92

COMPLAINT

उ. म. ले. (प्र) / ले & ह
D A. G. (A) / A. & E.

टी. आर. सं दि.
T.R.No; 115 Dt 11-11-92.

DAG (Adm)

To
The Accountant General (A&E),

Andhra Pradesh,

HYDERABAD.

Most Respected Sir,

Sub:- Deputation of S.A.S. Passed
Officials as Section Officers
to the deficit officers -
Benefit of service in ex-cadre
posts for fixation of pay -
Regarding.

Ref:- A.G.(A&E)/BillsI/Genl/81, 11/11/92
dated 5.11.92.

* * *

I humbly submit the following few
lines for immediate orders to Bills I section
and justice to me.

The Bills I section in the above refe-
rence dated 5.11.92 (copy enclosed) is silent
on my representation dated 7.9.1992 (copy
enclosed for ready reference) which clearly
shows the suppression of the fact of non-
supply/non-communication of the office order
No. 35 of Bills I/Genl, dated 19.8.1980 of
the Office of the Accountant General, Andhra
Pradesh-I, Hyderabad to me.

The office order No. 35 of Bills I/

Dr / A.G. (A&E) 11/11/92

So/sils I

11/11/92

11/11/92

Her address is
N. 65
New

(62)

Office Circular No. NGE/47/80 No 2349-NGEI/15-79, dated 25.7.80 have been incorporated and clearly ordered to communicate to me i.e., S.Os (on deputation) (through Deputation Unit, Admn. I Section) has not been made available to me for which I am not at fault.

The very purpose of issuing the orders is to give benefit to the S.A.S. Passed Auditors for working in deficit offices. By not supplying/not communicating the O.O. No. 35, dated 19.8.1980 of the Office of the A.G., A.P. I, Hyderabad, I was not allowed to exercise the option thus violating the orders of the Comptroller and Auditor General of India dt. 25.7.1980.

The Comptroller and Auditor General of India, New Delhi was very kind enough by giving the benefit even to those who are no longer in service if they are otherwise entitled to it.

I was on deputation to the office of the Accountant General, Maharashtra I, Bombay as S.A.S. Passed Auditor during the period for which relaxation of the conditions for benefit was given both by the Government of India and the Comptroller and Auditor General of India.

In view of above, I humbly appeal to the Accountant General to look into the matter and to order the Bill to be passed.



of the Office of the Accountant General, Andhra Pradesh I, Hyderabad was not made available/not supplied to me in spite of clear orders.

The question of my ^{not} exercising the option within three months does not arise when the O.O. No. 35 of Bills I, dt.19.8.80 was not at all supplied or not at all communicated to me.

I humbly request for an immediate reply in the matter.

Thanking you,

Yours faithfully,

Date: 6.11.1992.
Hyderabad.


(S.V. RANGA REDDY)

Asst. Accounts Officer,

Loans I.

Enclosures :

1. My Representation dated 7.9.1992.
2. No. Bills-I/Genl/O.O. No.35, dt.19.8.1980 of the Office of the Accountant General Andhra Pradesh-I, Hyderabad-500 476.
3. Circular No. NGE/21/1980, Lr.No. 1002-NGE-I/15-79, dated 2.4.1980 of the Comptroller and Auditor General of India, New Delhi.
4. A.G.(A&E)/Bills-I/Genl./81, dt. 5.11.92.

2/c

BILL II/GENL/A&E)/ 1000 } 1000 800 dated 26th May 1993.
1000 800

Sub:-Deputation of SAS Passed Officials
as Section Officers to Deficit
Offices-regarding.

Sri S.V.Ranga Reddy, A.A.O. is informed
that his request for belated option has been considered and
not accepted by Comptroller and Auditor General's Office.

Allen A. A. O.
ACCOUNTS OFFICER 26/5/93
(BILLS)

To
Sri S.V.Ranga Reddy,
A.A.O.,
Loans-I Sn.

246/1 R 996

246/12

3. H. No. (A) / 1 & 2
D A. G. (A) / A. & E:

3/6

To

टी. आर. सं

दि.

T.R.No:

Dr

The Comptroller and Auditor General of India,

10 - Bahadur Shah Zafar Marg,

Indraprastha Head Post Office,

NEW DELHI - 110 002.

Through

The Accountant General (A & E),

Andhra Pradesh,

HYDERABAD.

Most Honourable Sir,

Sub:- Appeal for Justice -

Deputation of S.A.S. Passed Officials
as Section Officers to the deficit
offices - Benefit of service in
ex-cadre posts for fixation of
Pay - Regarding.

I humbly submit the following few lines
for sympathetic consideration and justice to me.

I worked as Section Officer on deputation
to the office of the Accountant General, Maha-
rashtra-I, Bombay during the period of May 1978
to May 1981. At that time, I was S.A.S. Passed
Auditor in the office of the Accountant General,
Andhra Pradesh, Hyderabad, I was promoted as
Section Officer in my parent office i.e. office
of the Accountant General, Andhra Pradesh, Hyde-
rabad in the month of July, 1981.

In this connection kind attention is invi-
ted to Copy No. 3415-NGE 1/15-79-IV, office of
the Comptroller and Auditor General of India,
New Delhi dated 26.11.1982 circulated through
the Circular No. NGE/122/1982. (Copy and its
related orders are enclosed herewith).

I was on deputation to the office of the Accountant General, Maharashtra-I, Bombay as S.A.S. passed Auditor during the period for which relaxation of the conditions for benefit was given both by the Govt. of India and the Comptroller and Auditor General of India.

As per Govt. of India orders vide No. Govt. of India, M.F.O.M.No. F1(2)-Est IV/55 dated 18.6.55 the terms and conditions should be communicated to the deputationist by the parent office.

But the office order No. 35 of Bills I/ Genl. dated 19.8.1980 of the office of the Accountant General, Andhra Pradesh-I, Hyderabad (i.e. my parent office) in which the orders of Head Quarters Office Circular No. NGE/47/80 No. 2349-NGE1/15-79 dated 25.7.1980 have been incorporated and clearly ordered to communicate to me i.e. S.Os (on deputation) (through Deputation Unit, Admn.I Section) has not been communicated to me for which I am not at fault and this is only an administrative lapse/mistake and negligence. This fact of Administrative lapse has been brought to the notice of the Deputy Accountant General (Admn) in my letter dated 7.9.1992 and the suppression of the fact of Administrative lapse/negligence to the Accountant General in my letter dated 6.11.1992 (copies of which are enclosed) and there is no denial of the fact of Administrative negligence/lapse/mistake/fault. Hence my case is rightly admissible and there is no justification in not accepting my case.

Contd...3...

7
Para (C) of Circular letter No. NGE/47/80 No. 2349-NGE.1/15.79 dated 25.7.80 indicates that " as the deputationists were not aware at the time of their deputation, the relaxation now allowed by the Govt. of India would be available to them ".

6
Para (B) of the above circular also indicates that the benefit will also be admissible to all those who are no longer in service due to death or retirement etc., on 2.4.80 if they are otherwise entitled to it and Para (A) provides for payment of arrears of Pay and allowances due on this account even from 1973 onwards.

9
No time limit for exercising the option has been fixed vide Para 2 of Circular No. NGE/21/1980 Lr.No. 1002-NGE.1/15-79 dated 2.4.80 and ordered that steps be taken whenever necessary to extend the benefit of pay fixation for the ex-cadre service rendered in deficit offices and hence the option plays only an artificial role as the deputationists are otherwise entitled to the benefit.

110
As the office order No. 35 of Bills-I/Genl. dated 19.8.1980 of the office of the Accountant General, Andhra Pradesh-I, Hyderabad (Copy enclosed) has not been communicated to me on account of Administrative negligence/mistake/lapse (it has to be communicated to me vice item No. iii i.e. S.Os on deputation - through Deputation Unit - Administration-I Sect on), I could not exercise the option till 23.7.1992 i.e., the date of my representation to the Deputy Accountant General (Admn).

Contd...4...

11 This benefit of service in ex-cadre posts for fixation of pay is given to them for serving in deficit offices. By denying me this benefit on account of Administrative lapse/mistake/negligence, I am being subjected to a lot of hardship. Moreover, this is only a benefit and not a punishment for serving in deficit offices.

12 It is apparent that the Bills-I section of our office has not furnished the correct facts in detail to C.A.G's Office. In spite of my specific complaint dated 6.11.1992 to the Accountant General regarding the suppression of correct facts, the Bills-I Section has again suppressed the correct facts while addressing the C.A.G's Office in my case.

13 The repeated suppression of correct facts by Bills-I Section is brought to the personal notice of C.A.G. of India. As the Bills-I Section has suppressed the correct facts and addressed C.A.G's Office, the case with suppressed facts cannot elicit correct judgement. C.A.G's Office has not come across my representations.

14 I am rightfully entitled for the benefit and benefit is denied to me by indulging in suppression of facts, I find no alternative except to submit my case to the highest authority and also as per Para 146 of Manual of Standing Orders (Administrative) Vol.I (Second Edition).

15 I may be the only employee in A&E Office to get this benefit. Hence there will be no anomalies and other employees will not have any grievance on account of this benefit as per Circular No. NGE/21/1980 Lr.No. 1002-NGE.1/15-79 dated 2.4.1980.

Contd...5...

116 The Question of my not exercising the option or exercising a belated option does not arise when the O.O. No. 35 of Bills-I dt.19.8.80 of the office of the Accountant General, Andhra Pradesh-I, Hyderabad was not at all communicated to me as per orders of Govt. of India, M.F.O.M. No. F1(2)-Est IV/55 dated 18.6.55.

117 The letter number of Head Quarters letter in which my case was not accepted has not been informed to me by our office inspite of my repeated written requests.

118 In view of the above, I humbly appeal that my case may sympathetically be reviewed and liberally construed so as to advance substantial justice to me.

Thanking you, Your Honour,

Yours faithfully,


(S.V. RANGA REDDY),

Date: 21.6.1993.

Hyderabad.

Asst. Accounts Officer,

Loahs-I

O/o The Accountant General
(A&E), Andhra Pradesh,
Hyderabad.

Enclosures :-

1. Copy No. 3415-NGE1/15-79-IV office of the Comptroller and Auditor General of India, New Delhi.
2. Copy of Circular No. NGE/21/1980 Lr. No. 1002-NGE-1/15-79 dated 2.4.1980.

Contd...6...

3. No. Bills-1/Genl/Office Order No. 35 dated 19.8.1980 of the Office of the Accountant General, Andhra Pradesh-I, Hyderabad with copy of Circular No. NGE/47/80 No. 2349-NGE.1/15-79 dated 25.7.1980.
4. Copy of Circular letter No. NGE/46/1981 No. 1511-NGE.1/15-79-II dated 6.5.1981.
5. Copy of Circular No. NGE/60/1982 No. 1835-NGE.1/15-79-IV dated 22.6.1982.
6. Copy of My representation dated 7.9.1992 addressed to the Deputy Accountant General (Admn).
7. Copy of my complaint dated 6.11.1992 to the Accountant General.
8. Copy of Bills-1/Genl/A&E/1-4/T.R. No.58 dated 26.5.1993.

Advance copy to the Comptroller and Auditor General of India, 10-Bahadur Shah Zafar Marg , Indraprastha Head Post Office, New Delhi-110 002.

(S.V. RANGA REDDY)
Asst. Accounts Officer,
Loans-I.

In the Central Administrative
Tribunal
at
Hyderabad

O.A. No.

989/94



Counter-applicant

Filed on
28-12-94

Recd counter
for
28/12/94
for J. Sudar.

Σ
24/1/95

Filed by
G. Parmeswar Rao
Standing Counsel
for 1st & 2nd

may be filed
by
30/1/95

Lr.No.Admn.I/A&E/U.I/94-95/ 23

Dated: 4-04-1994

M E M O

Sub:- Deputation of SAS passed officials as Section Officers to deficit Audit Offices-Benefit of service in ex-cadre posts for pay fixation-Reg.

Ref:- Hqrs. Lr.No.338-N.I/8-93 dated 18-3-1994.

With reference to his representation dated 21-6-1993 addressed to the Comptroller & Auditor General of India, regarding extension of time for exercising revised option for fixation of pay which arose on account of his deputation to a Deficit Audit Office during the period 1978-81, Sri S.V.Ranga Reddy, Asstt. Accounts Officer, is hereby informed that his request was considered by the Headquarters Office and rejected being time barred. Further he has been directed by the Headquarters Office not to write to Head-

28/4/94
A.A.O.(A.I)

28/4/94
SR.A.O.(ADMN.)

28/4/94
D.A.G.(ADMN.)

To
Sri S.V. Ranga Reddy, AAO,
Pension Group.

ON : A.G. may kindly see before issue of the Memo, to Sri
Sri S.V. Ranga Reddy, A.A.O.

28/4/94
SR.A.O.(ADMN.)

28/4/94
D.A.G.(ADMN.)

28/4/94
A.G.(A&E)

केलाकार (डेपु)
STANT GENL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL
BENCH : AT HYDERABAD

O.A. NO. 989 OF 1994

Between:

S.V. Ranga Reddy S/o Venkataramaiah : APPLICANT
Aged 47 Years, Occupation: Assistant
Accounts Officer, R/o Q.No. C-269,
A.G. Colony, Hyderabad.

A n d

- | | | |
|--|------------------|-------------|
| 1. Comptroller And Auditor General
of India, Bahadur Shah Zafar Marg,
New Delhi. |)
)
)
) | RESPONDENTS |
| 2. Accountant General (A and E),
Andhra Pradesh, Hyderabad. |)
) | |

REPLY AFFIDAVIT FILED ON BEHALF
OF THE APPLICANT:

I, S.V. Ranga Reddy S/o Venkataramaiah, Aged 47
Years, Occupation: Assistant Accounts Officer, R/o Q. No.
C-269, A.G. Colony, Hyderabad, do hereby solemnly and
sincerely affirm and stated on oath as follows:

1. I am the Applicant herein and as such I am well
acquainted with the facts of the case deposed hereunder.
2. It is respectfully submitted that I have gone through
the Counter Affidavit filed by the Respondents. The Counter
Affidavit is formal and nominal and does not disclose any
valid grounds or reasons for dismissal of the Original
Application. The Counter Affidavit is nothing but repeti-
tion of what had been stated by me in the Original Applica-
tion. However, I deny whatever contentions made by the
Respondents except those which are specifically admitted
hereunder.

[Signature]

3. That, it is humbly prayed that a reading of the original Application as well as the Counter Affidavit makes it clear that I have been deprived of my rightful claims. In Paragraph 4, 5(ii) and (iii) of the Counter Affidavit it was contended by the Respondents that copy of Circular Dated: 25-07-1980 had been communicated to all the deputationists. This is factually incorrect. It is reiterated that the circular ~~had been~~

been communicated to me. The Respondents are misleading this Hon'ble Tribunal by stating that the circular had been communicated to me.

4. That, in Paragraphs 5(1) of the Counter Affidavit it is stated by the Respondents that the subsequent circulars are applicable only for fresh deputationists and not for me. In case the first circular is communicated to me I would have opted for S.Os Scale and there would not be a necessity or importance of subsequent circulars. Even otherwise the subsequent circulars are also applicable to all the deputationists including me in view of the fact that even the deputationists will be continued on deputation year-wise. At the end of each year the deputationist will be asked for fresh options either to continue or to go back to his parent department. When a deputationist is given a choice like that he will decide about his option basing on the benefits that he may get in case he continues as a deputationist. That means each year he can assess the situation and the advantages of being a deputationist and opt for it. The benefit of giving S.Os scale was also not given continuously, each year circulars

✓ Srinivas³

have been issued extending the benefit upon a particular period. In these circumstances it is not open for the Respondents to claim that the subsequent circulars cannot be made applicable for the Applicant herein and that they are applicable only for the fresh deputationists. As a matter of fact the circulars also do not say that they are applicable only for the fresh deputationists.

5. That, in Paragraph 5(iv), (v) and (vi) it was contended that my claim was rejected on the ground of delay as it was time barred. When my claim was that the circular was not communicated to me and that I have come to know about it later and then made representations immediately the question of delay does not arise. My contention in Paragraph 6(j) and (k) of the Original Application that the order of rejection is non-speaking and stereotype order without giving reasons is un-answered.

6. That, I have ~~raised~~ ^{raised} in the Paragraph 6(1) that the benefit was extended to all those who are no longer in service due to death or retirement have been given. For them there is neither calling for option nor there is time limit prescribed. Simply if some one comes within the purview of the circular they should be given the benefit by the office even for those who are dead and gone. This contention was not answered by the Respondents. The Respondents also have failed in answering the contentions raised by me that when the object of the Government of India in giving the benefit was to encourage the deputationists, the same cannot be denied on the technical grounds.

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Shree⁴

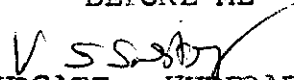
7. That, in Paragraph 6(m) of the Original Application I have categorically contended that the benefit was extended by the Government of India appreciating the difficulties of the deputationists^{and} for encouraging the deputationists. That is the reason why the Government of India has not prescribed any time limit for exercising options. Even the Comptroller of Auditor General also has not prescribed any time limit in the circular Dated: 02-04-1980, which is the first circular in this regard. This time limit business has arisen only in the ^{Circular} Counter Dated: 27-07-1980, wherein he was clarifying the doubts of the Field Officers. These categorical contentions have not been answered by the Respondents. In these circumstances the Counter Affidavit filed by the Respondents did not controvert the categorical contentions, hence establishing them.

8. That, viewing from any angle my claim deserves consideration as the fault is not on my part. There cannot be any time limit as contended by the Respondents and hence assuming for a minute and not admitting that there is time limit, the circular prescribing time ^{limit} ~~has~~ has not been communicated, hence denying my rightful claims. As I was not put on notice about the circular there is ~~no~~ violation of the Principles of Natural Justice.

For the reasons stated above it is prayed that this Hon'ble Tribunal may be pleased to allow the Original Application with ~~xxxxxx~~ consequential benefits.


DEPONENT

Solemnly and Sincerely affirmed and signed his name before me on this the 26th Day of January, 1995, at Hyderabad.

BEFORE ME

ADVOCATE : HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : AT HYDERABAD:

O.A. NO. OF 1994

REPLY AFFIDAVIT FILED
ON BEHALF OF THE
APPLICANT

DATED:

*Received
for Shakti
for G.P. Rao
7/2/95*

FILED BY:

J. Sudheer
Advocate
3-5-703
Opp: Old MLA Quarters
Himayatnagar
Hyderabad-500 029 (AP)

COUNSEL FOR THE APPLICANT

JUDGEMENT

(Per Hon'ble Shri H. Rajendra Prasad, Member (Administrative))

The facts and circumstances, the reliefs claimed, and the grounds thereof in both cases being identical, the two OAs were heard together. At the final hearing of the case the parties, including the counsel who had earlier appeared for them.

2. The applicants in OA 868/94 are working as Assistant Audit Officers in the office of the Principal Accountant General (Audit I), Andhra Pradesh, while the applicant in OA 989/94 is working as Assistant Accounts Officer in the office of the Accountant General (Accounts & Entitlements), Andhra Pradesh. The 1st and 4th applicants in OA 868/94 passed the Subordinate Accounts Service (SAS) Examination in February, 1977; the second and the third applicants, passed the Section Officers Grade Examination (Parts I and II) in December 1977, while the applicant in OA 989/94 passed the SAS Examination in November 1975.

2.1 All these applicants thereupon volunteered to officiate as Section Officers in the office of the Accountant General, Maharashtra, and were accordingly deputed as under:

OA 868/94: 1st applicant	- June, 1978 to May, 1981
2nd applicant	- July, 1978 to June, 1983
3rd applicant	- June, 1978 to April, 1986
4th applicant	- August, 1977 to April, 1978

(deputed again in February, 1979 till February, 1988 to the office of the Deputy Director (Food), Bombay.)

The applicant in OA 989/94 was deputed to the same office, viz., Accountant General, Maharashtra, from May, 1978 to May, 1981.

2.2 These five applicants were promoted in their turn as Section Officers in their parent unit in August 1981, May 1982, September 1981, September 1981 and July 1981, respectively.

Q.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.S. No.866/94 and 969/94

Date: 8.1.97



1. O.A. 866/94

Between:

1. B. Ch. Gopala Krishna
2. S.Dattatreya Sarma
3. P.Pandu Ranga Rao
4. V.V. Subrahmanyam

.. Applicants

and

1. Comptroller & Auditor
New Delhi.

2. Principal Accountant General,
Audit-I, Andhra Pradesh,
Hyderabad.

.. Respondents

Applicants in person
~~Mr. S. V. Ranga Reddy~~

.. ~~Counsel for applicants~~

Mr. G. Parameshwara Rao

.. Counsel for respondents

2. O.A. 969/94

Between:

S.V.Ranga Reddy

.. Applicant

and

1. Comptroller & Auditor General
of India, New Delhi.

2. Accountant General (A&V),
Andhra Pradesh, Hyderabad.

.. Respondents.

(Mr.S.V.Ranga Reddy, applicant, in person)

Mr. G. Parameshwara Rao

.. Counsel for respondents

CORAM

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE) *Q*

services rendered by them in ex-cadre posts upto that date, i.e., 31st March, 1988, for the purpose of pay-fixation on their promotion as S.Os. in parent offices. This concession

Circular No. NCE/21/1980 vide C.A.G. No. 1002-NCE.I/15-79 dated 2nd April, 1980.

4.1 In a separate and subsequent circular (No. 2349-NCE.I/15.79) dated 25th July, 1980, the C.A.G. prescribed a time-limit of three months for the purpose of extending the above-stated

In the circular it was explained that the condition(s) prescribed under proviso I(iii) of F.R. 22

relaxed upto 31st March, 1973, only in respect of deficit offices of Accountants General Assam, Himachal Pradesh, and Chandigarh and Jammu & Kashmir, was to be now extended to other identified deficit offices from 1st April, 1973 to 31st March, 1980. This concession, it was further explained, was being given to the eligible officials because of the fact that the deputationists were not aware at the time of their deputation whether the relaxation now allowed by the Government would be available to them. The deputationists in the specified deficit offices were therefore given the choice to opt for the

Such option had to be exercised within three months from 25th July, 1980. An

additional condition was that such officials had to refund the over-payments, if any, made to them. On the fulfilment of these twin conditions, the entire period of their deputation would be counted for the purpose of increment in the Section Officer's post in their parent units on their regular promotion. (It was clarified in the earlier circular that the concession so extended to them would not, however, confer any benefit of seniority over their seniors who may not have exercised similar option)

4.2 At one stage, it was contemplated to approach the Government for extending this concession beyond 31st March, 1980,

Qc

3. The deputation of the applicants to office(s) in Maharashtra was due to the fact that adequate number of qualified officials were not available there to fill the existing vacancies of Section Officers whereas there were more qualified candidates awaiting promotion in the office(s) in Andhra Pradesh, than the number of vacancies available to absorb them. The former are called 'Deficit Offices'.

3.1 At the point of their initial deputation, the applicants had the choice of opting for (a) grade pay plus 30% of their basic pay as deputation allowance or (b) the pay scale of a Section Officer. All applicants herein opted for (a) above.

4. It would appear that upto 1978, the Deputationists were allowed the concession of counting the officiating service rendered by them in the identified deficit offices, for drawing increments at the time of pay-fixation on their subsequent regular promotion in their parent offices. However, after the amendment to FR 22 sometime in 1965, it was not found possible to continue the concession. With this development, a situation was created in which deficit offices were severely handicapped for want of suitable qualified officials who did not find it attractive any longer to volunteer for deputation to those offices. While this was the plight of the traditionally 'deficit' offices, there was discontent among the 'surplus' offices with too many qualified officials and, correspondingly, few or no vacancies available to absorb them. In this difficult situation, the sanction of the Government of India in the Ministry of Finance was obtained for the relaxation of conditions under proviso (iii) of F.R.22 for the period upto 31st March, 1988, or the date of announcement of the results of SAS Examination, 1979, whichever was earlier. This enabled the SAS passed officials who were already on deputation to deficit offices to count the

states that he did not think of changing his option as, in 1980, Deputation Allowance which he was already receiving was more beneficial. He could say the same only in 1993 with great difficulty. Applicant-4 duly saw the circular of 1980, but the later circulars were not communicated to him.

6.1 All the applicants submitted representations with a request that they be permitted to exercise option as originally envisaged in 1980. They state that this was done as soon as each of them became aware of the circulars on different dates. Their requests were not accepted. Hence these OAs.

7. The grievance of the applicants is based on the following grounds:

- (i) they were not made aware of the relevant circulars issued in 1980;
- (ii) due to the non-supply/circulation of these circulars, they were made to incur recurring financial loss;
- (iii) the restricted and selective extension, to few officials, of the concession of treating the period of deputation for the purpose of fixation of pay in Section Officers grade on promotion in their parent units, is discriminatory and arbitrary;
- (iv) that the response of the authorities rejecting their claim is non-speaking, and the result of non-application of mind;
- (v) the stand of the respondents that the applicants' claims are time-barred is illegal, arbitrary and discriminative, in view of (i) and (ii) above;
- (vi) when the said benefit was extended to even retired persons or the heirs of deceased officials in terms of the scheme, the same should not have been denied to the applicants who are still serving the department;

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indeed for as long as necessary beyond the said date. It would seem, however, that either the suggestion did not favour with the Government or was not pursued by the C.A.G. Whatever the reason, the scheme of exercising options/refunding the overpayments, is seen to have been renewed only on an annual basis on 19.8.1980, 6.5.1981, 22.6.1982, 26.11.1982 - and possibly subsequently.

5. None of the applicants exercised any option in response to the scheme. Resultantly, they denied themselves the concession relating to the counting of service while on deputation to deficit offices in Maharashtra in their officiating capacity of Section Officers in those offices, when their pay came to be fixed on regular promotion in their parent offices. And that is their sole grievance in these OAs.

6. The applicants assert that the reason for their having been unable to exercise timely option was that the circular dated 25th July, 1980, was not brought to their notice at all. Consequently, they were totally unaware of either the concession extended to the likes of them or the requirement of any option to be exercised by them in this regard. In support of this assertion they explain that neither the Deputation Unit of their parent office nor the office of their deputation took care to circulate the scheme to them individually or to apprise them of the details of the scheme in any manner. They say that while on deputation in Maharashtra, and even after their return to the parent unit, their duties required them to be away on protracted tours, and thereby ^{they} could not gain any awareness of the scheme at all. Applicant-1 says he learnt of the said circular in 1992. Applicant-2 says he learnt of it only in 1993. Applicant No.3 says that circulars dated 2nd April, 1980 and 25th July, 1980, were duly communicated to him, but the later circular of 6th May, 1981, and 22nd June, 1982, were not sent or shown to him; he

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(d) Applicant No.2 was deputed to Accountant General Maharashtra I who in turn placed his services at the disposal of Accountant General, Central Bombay, which was not a deficit office. Hence he was not entitled to the scheme of benefit applicable only to those officials who are deputed to deficit offices.

(e) Applicant No.4 opted to go on deputation to the office of the Director of Audit (Food) which was also not classified as Deficit Office.

(f) The applicants have themselves stated that they did not opt for Section Officers' scale as it was not of any benefit to them at the relevant time. (This is not found to be correct since only Applicant No. 1 and 3 stated so, and not the remaining two applicants).

(g) Even though no speaking order was required to be issued to the applicants in the matter, the impugned orders did nevertheless spell out, even if briefly, the reason for the rejection of their claim, viz., impermissible delay in preferring the claim.

It is finally asserted by the Respondents that the reliefs claimed by the applicants are inadmissible on merits as the grounds adduced are untenable, and the OAs deserve dismissal.

9. In an excessively lengthy rejoinder, the applicants reiterate all their earlier pleadings and refute some of the replies given by the respondents in their counter-affidavit. They maintain that the circular of 25th July, 1980, was not supplied to them at any time; that the subsequent circulars extending the benefits to deputationists after 1980 were equally applicable and relevant to their case in as much as each case of deputation is tenable only for an year and renewed annually; that the order rejecting their claim is non-speaking; that the

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(vii) the time-limit of three months prescribed by Respondent No.1 was set by him alone and cannot have any binding effect on the applicants, when the Government themselves did not lay down any limit of the kind.

7.1 Based on the above grounds and arguments, the applicants pray for setting aside the orders issued by the Principal Accountant General (Audit-I), Hyderabad, rejecting the individual claims of the applicants, on 25th April, 1994.

8. The Respondents have filed an elaborate reply rebutting the various claims and assertions of the applicants. The counter-affidavit is mostly factual, covering aspects of the case which are not in dispute. The following points, however, deserve mention:

- (a) Copies of circular dated 25th July, 1980, containing the details of the concession was duly sent to all deputationists, including the applicants.
- (b) Circulars issued from time to time after July, 1980, were not relevant to the claims of the applicants since these (subsequent) circulars merely extended the benefit to those officials who opted for depositions after 1980 and every successive extension was applicable only to such fresh deputationists and not to those, like the applicants, who had opted to go on deputation prior to 1980 and had failed to exercise the option in time, viz., within three months from 25th July, 1980, when called upon to do so.
- (c) The applicants advisedly refrained from exercising revised option due to the simple fact that the original option exercised by them, viz., grade pay plus deputation allowance, was more beneficial to them.

Q.

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office of the Accountant General, Maharashtra, was one such deficit unit. Now, a particular smaller office within the territory may not have been specifically declared to be a deficit office. Nevertheless, it doubtless remains the responsibility of the Accountant General to initiate necessary steps to provide the needed manpower to such office(s) to the extent possible by way of deployment of officials from among the available volunteer-deputationists. To state thereafter that a particular office has not been declared to be a deficit office is to deny logic. Such seems to be the position of the office of the Deputy Director (Food), Bombay. Even if it is argued that the said office was a unit of Director of Audit (Food), New Delhi, and not therefore a sub-unit of A.G., Maharashtra, we notice that the circular dated 2nd April, 1980, was specifically addressed to the former, calling for information regarding the prevailing shortages of SAS qualified officials to man the posts of Section Officers. This fact clearly suggests that the sub-units of Director of Audit (Food) were equally handicapped for want of suitable qualified officials like any other unit in the State. For this reason we are unable to accept the plea of the respondents that the office of the Deputy Director Audit (Food), Bombay was outside the scheme.

12. The second question relates to the so-called non-speaking rejection of the applicants' claims by the C.A.G. The applicants complain that the CAG had turned down their request through an order which does not spell out the reason for such rejection. The respondents say that no 'speaking' order is necessary since this is not a matter coming within CCS(CCA) Rules, 1965 (Para 4(viii) page 8 of the counter-affidavit). This is not quite correct since a detailed reasoned order would be in order even in matters outside those coming under the said rules, specially

Q.

rejection of their claims was impermissible specially when it had been duly extended to retirees and heirs of deceased deputationists; that the same negated the basic policy of the government which was to encourage volunteers to opt for a tenure on deputation in deficit offices; and that the government had not itself prescribed any time-limit for the exercise of options in the circular of 2nd April, 1980. Quite apart from these twice-stated arguments, the rejoinder goes to needless lengths to repeat all old pleas and raises no new point. For this reason fact, or any fresh revelation.

10. We have considered the facts of the case carefully. Despite elaborate arguments and equally lengthy rebuttals the non-exercise of options within the time-limit prescribed by the Respondents in their circular dated 25th July, 1980, is the central issue here. The respondents' stand is simply that the applicants are not entitled to any relief since they basically failed to exercise the option in time. The applicants, on the other hand, assert that they were neither aware of the relevant circular nor the stipulation (or the time-limit) about any option to be exercised. In support of this assertion the applicants cite their continuous and protracted tours-of-duty away from their temporary headquarters which they say rendered it difficult for them learn about the benefit sought to be extended to the like of them.

11. Before this basic issue is dealt, we consider it necessary to dispose of two ancillary questions arising in the case.

12. The first relates to the concept of 'deficit offices'. By this we understand to mean those major offices/units which do not receive an adequate number of qualified officials within their administrative jurisdiction to fill the available vacancies over a period of time through the normal channels of intake. This necessitates the resort deputation from offices elsewhere. The

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concession or benefit that may come their way from time to time - could remain so ignorant in a matter which was of immediate advantage to them for as long as a decade, and that they could only obtain a copy several years later 'with greatest difficulty', as one of the applicants chose to put it. The circular was not a confidential document nor was it intended for restricted circulation, which is why we are unable to see why there should have been so much 'difficulty' in obtaining a copy. There were several normal ways in which the deputationists could have gained knowledge of the contents of the said circular - individual intimation, display on office notice-board, through the concerned group officers, from the journals periodically issued by the Association of Officers, if any, or by just word of mouth. It is impossible to accept that the applicants could remain in the dark about the scheme for as much as a decade and more. For these reasons, we totally reject the story set up by the applicants in this regard. The reasons for the applicants failure to avail of the opportunity to exercise the option available to them cannot certainly be ascribed to non-communication of the relevant circular(s), or their lack of knowledge, as asserted by them. To our mind, the reason seems to be elsewhere. It would seem probable that the applicants were quite satisfied until several years later, with the deputation allowance granted to them; choosing the minimum of the grade pay of S.Os was ^{obviously} less beneficial - as has indeed been stated by one of them. It was perhaps owing to developments which occurred much later, and which could not evidently be foreseen in 1980, - like for example, a substantial improvement in the pay-structure from the beginning of 1986 - which awoke the applicants to the opportunity missed (apparently wantonly) by them earlier. But by then they were late for the benefit by a decade and more.

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when a request comes to be rejected. However, it is seen that the reason - delayed claims - have been duly given by Respondent 1. Delay - in exercising options, in preferring claims - being the main issue in these cases, the indication thereof is considered adequate and sufficient. No other elaborate reasons are necessary to be indicated when none are needed. We reject the plea of the applicants on this score.

13. Now for the main question of delay. We notice that the relevant circular was duly communicated (Annexure A-3) to all 'SOs (on deputation) (through Deputation Unit, Adm-I Sn)' by the office of the Accountant General, A.P.-I, on 19th August, 1980. Furthermore, it is inconceivable that Accountant-General, Maharashtra (in whose office or in offices under him the applicants were functioning on deputation) would have failed to communicate to all concerned offices the details of the new benefit being extended to deputationists, for the simple reason that many such deputationists were even then working in his office or offices under his control or within his territorial jurisdiction. For this reason, we are inclined to believe and accept as true the statement of the Respondents that the said circular was communicated to the deputationists by both the Accountants General of Andhra Pradesh as well as of Maharashtra. Moreover, circulars of common interest affecting the staff are routinely displayed on the office notice-board as an ordinary practise. And even if the applicants happened to be on tour at the point of time when they were so displayed, one cannot imagine that they did not visit or return to the HQ office even once between inspections during the entire period available for exercising the required options, if they were so inclined to exercise it. Above everything, we cannot persuade ourselves to believe that the applicants-all of them Audit/Accounts SOs, who are generally known to be alert and alive to any new

8.

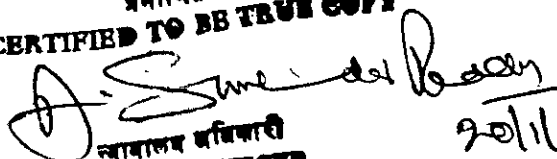
14. The applicants contend that the extension of the benefits through circulars issued subsequent to the initiation of the scheme in 1980 had the effect of extending the date of exercising the options. We do not agree. It is clear that the later circulars pertained to only those officials who had volunteered for deputation to deficit offices after the results of SAS exam, 1980, ^{and in later years} were announced. Although this was not clearly spelt out in the relevant circulars, the import and intent are not in any doubt.

15. To sum up, the facts revealed in these cases do not persuade us that the applicants are entitled to the reliefs claimed by them. They have not succeeded in establishing any right and the grounds ascribed are far from convincing. We are also of the view that the time-limit of three months set by the authorities was not unreasonable or needlessly restrictive.

16. In the light of what has been discussed in the preceding paragraphs, we have no choice except to disallow the claims of the applicants. The OAs are accordingly dismissed as lacking in merit.

17. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH
20/11/77

11

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD BENCH.

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI: VICE-CHAIRMAN

AND

~~THE HON'BLE MR. H. RAJENDRA PRASAD: MEMBER (A)~~

THE HON'BLE MR. H. RAJENDRA PRASAD: MEMBER (A) ✓

~~THE HON'BLE MR. B. S. SAI RAMANATHAN: MEMBER (B)~~

Review Application No. 18 of 1997
in
Original Application No. 989 of 1994

The above Review Application has been filed for review
of the Judgment of the Bench dated 5-1-97 of the Tribunal
consisting of Hon'ble Mr. Justice M.G. Chaudhari, Vice-Chairman and
~~Hon'ble Mr. H. Rajendra Prasad, Member (A) and~~ Hon'ble Mr. H. Rajendra Prasad,
Member (A) ~~and Hon'ble Mr. B. S. Sai Ramanathan, Member (B)~~ in
Original Application No. 989 of 1994

Circulated as per Rule 49 of the Central Administrative
Tribunal Rules of practice, 1993.

By Circulation
per ~~Chairman~~

All points were examined in detail
at the hearing. No error.

No case for review. No pre-hearing
necessary. ^{rejected} liable to be dismissed

Jaguar
6/3

VC 6.3.97

Order of Bench 6.3.97.

In view of concurring opinion of the
Members of the Bench the RA is
rejected. NVC

6/3
Member (A) VC

CENTRAL ADMINISTRATIVE TRIBUNAL HYDRABAD BENCH.

RA No. 18/97 WOA No. 989/94 of 1997

S.V. Ranga Reddy

Applicant(s)

U.S.S.U.S.

To Comptroller & Auditor General of India, New Delhi

anet

Respondent(s)

Date

Office Note

ORDER

ANNEXURE

FORM OF INDEX

List of Papers in ~~MA/CP/RA~~/No. 187 1994 in CA.No. 989 1994.

Serial No. Papers	Date of Papers	Description	Remark
on record Part - I	Date ^{or} of filing	of Papers	
	6-2-97	Petition 4	L.S. Copley
		Abdank	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

RA NO. 18 of 1997

in

OA NO. 989 of 1994

Between:

S.V. Ranga Reddy, *50 years.*
S/o. Late Sri. S. Venkata Ramaiah,
Plot No. 172, Flat No. 204,
Surya Enclave, Motinagar,
HYDERABAD.

... Applicant

A N D

1. The Comptroller and Auditor
General of India, Bahadur
Shah Zafar Marg, New Delhi.
2. The Accountant General (A and E)
Andhra Pradesh, Hyderabad. ... Respondents.

REVIEW APPLICATION FILED UNDER SECTION 17 OF THE CAT
(PROC) RULES, 1987.

For the reasons stated in the accompanying affidavit,
it is respectfully prayed that the Hon'ble Tribunal may be
pleased to review its orders dated 8-1-1997 passed in OA
No. 989/94, in the interest of justice and be pleased to
pass such other and further order or orders as the Hon'ble
Tribunal may deem fit and proper in the circumstances of
the case.

Hyderabad,

Dated: 31-1-97


COUNSEL FOR THE APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

RA NO. 18 of 1997

in

OA NO. 989 of 1994

Between:

S.V. Ranga Reddy

... Applicant

A N D

Comptroller and Auditor
Bahadur Shah Zafar Marg,
New Delhi and another.

... Respondents.

A F F I D A V I T

I, Sri.S.V. RangaReddy, S/o.Late Sri.S.V. Ramaiah, aged about 50 years, R/o. Plot No.172, Flat No.204, Surya Enclave, Motinagar, Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under :

1. That I am the deponent herein and was present in OA No.989/94 filed before this Hon'ble Tribunal and therefore, well acquainted with the facts of the case.
2. I submit that this review application is filed aggrieved by the judgment in OA No.989/94 dated 8.1.1997 for the following among other grounds. This Hon'ble Tribunal did not consider the following vital points. Hence, this review application:

(A) It is respectfully submitted that while acting on my appeal dated 21.6.1993, the Comptroller and Auditor General of India, New Delhi in the month of December, 1993/January, 1994 has ordered the Principal Accountant General, Audit-I, Hyderabad to fix the responsibility for non-communication of the OO No.35 dated 19.8.1980

(B) It is further submitted that the Principal Accountant General, Audit-I, Hyderabad in his letter No.Bills.I/General Unit/1993-94/51 dated 21.1.1994 has replied to the Comptroller and Audit General admitting the non-communication of the O.O. No.35 dated 19.8.1980 incorporating the CAG's circular dated 25.7.1980 with a request to CAG to extend the benefit. The concerned file and the correspondence on this matter between the CAG and the Principal A.G., Audit-I, Hyderabad should be called for production before the Hon'ble Tribunal. Even though the Principal Accountant General, Audit-I, Hyderabad himself has admitted the non-communication of the O.O. No.35 dated 19-8-1980, the respondents herein have ~~not~~ misguided the Hon'ble Tribunal and hence, the communication of O.O.No. 35 dated 19.8.1980 does not arise. Even during the oral arguments, when the Tribunal directed the respondents to produce the documentary evidence in respect of communication of the O.O.No.35 dated 19.8.1980 and even ~~after the respondents had sufficient time to produce the documentary evidence~~ produce the documentary evidence. If an employee is promoted and if he has not seen the notice board or if he has not consulted group officers or others, through a word of mouth, is it fair to deny him the promotional benefits.

(b) I reiterate that the O.O. No.35 dated 19.8.1980 incorporating the comptroller and Auditor General's Circular dated 25.7.1980 was not received by me under any circumstances. *Hence the benefit must be given to me. kindly refer to A.P. High Court judgement. Annexure VIII.* The O.O.No.35 dated 19.8.1980 has to be communicated to me as per Government of India, Ministry of Finance, ^{IV} OM No.F.I(2) Est-IV/55 dated 18.6.1955 vide Annexure. ~~III, IV~~ the question of seeing the notice boards, consulting others through the word of mouth does not arise.

c) It is further submitted that the Judgment is based on matters outside the record. Vide the case of Gabriel V/s.

State of Madras, the judgment is not based on the material available on record. In my appeal dated 21.6.1993 vide Annexure.XII of the CA, I have clearly brought out the suppression of the fact of non-communication of the O.O.No. 35 dated 19.8.1980 incorporating the circular dated 25.7.1980. To believe the statement of the respondents without the required proof by the Hon'ble Tribunal and to ignore my reply affidavit without perusal of the documents and my representations and appeal is not in accordance with the established traditions of judiciary. Scrupulous care has not been taken by the Hon'ble Tribunal in denying me the benefit kindly refer to Union of India V/s H.C.Goel, AIR 1964, SC 364 (Annexure ^V~~IV~~). Even in the case of delay, benefit was given by the Hon'ble Tribunal, Hyderabad vide the case of M. Laxminarayana (Annexure ^{VI}~~VII~~).

(d) As the sanction to the relaxation of the conditions prescribed under Proviso 1 (iii) of FR 22 in the order dated 2.4.1980 was issued by the Ministry of Finance, Govt. of India, the Comptroller and Auditor General of India has no powers to fix the time limit of three months in the circular dated 25.7.1980 to the FRs. Comptroller and Auditor General cannot change the basic principles of sanction order issued by the Government of India. The order of the Comptroller and Auditor General in fixing the time limit of three months to the FRs without the terms and authority of Government of India like the one quoted in the last para of Annexure ^{VII}~~VI~~ and hence it is ultravires of the Constitution of India. Hence, the benefit must be extended to me as per circular dated 2.4.1980.

(e) It is further submitted that the object of Govt. of India in giving the benefit was to attract the deputationists to save the deficit offices from suffering for want of qualified personnel vide circular dated 2.4.1980. Hence, the respondents have no power to deny me my lawful claim

the sanction of which was given by the Government of India for serving in a deficit office. Even the "natural justice" was denied to me.

(f) It is further submitted that the Hon'ble Tribunal itself has held in para 14 of the judgement that the

the benefit of doubt may be given to the applicant.

(g) It is further submitted that while issuing the of India has clarified that benefit should be given from 1.4.1973 to the eligible persons vide para (a) of the circular dated 25.7.1980 (i.e., after seven years) and the benefit is also

longer in service due to death or retirement etc., if they are otherwise entitled to it. The matter was also not answered by the Tribunal.

(h) It is further submitted that it was held by the Hon'ble Supreme Court of India in the case of Mahavir Prasad V/s State of Uttar Pradesh (AIR 1970 SC 1302) that "self contained and reasoned order is obligatory" and also it was held that "non-speaking order without recording reason, fatal" and "a laconic order cannot be taken as speaking order" vide (1976) 2 MLJ 92) in the case of R. Abdul Wahab V/s Union of India (Annexures II and III respectively).

(i) In view of the above, the denial of benefit to me is a grave injustice done to me and is violative of articles 14, 16 and 39 (d) of the Constitution of India.

For all the grounds stated above, it is respectfully prayed that the Hon'ble Tribunal may be pleased to review its order dated 8.1.1997 passed in OA No.989/94, in the interest of justice and be pleased to pass such other orders as may be deemed fit.

Sworn and signed on the 31st day of January, 1997 at Hyderabad.

DEPONENT.

COUNSEL FOR APPLICANT

JUDGEMENT

(Per Hon'ble Shri H. Rajendra Prasad, Member (Administrative))

The facts and circumstances, the reliefs claimed, and the grounds thereof in both cases being identical, the two OAS appeared in person with the consent of the counsel who had earlier appeared for them.

2. The applicants in OA 868/94 are working as Assistant Audit Officers in the office of the Principal Accountant General (Audit I), Andhra Pradesh, while the applicant in OA 989/94 is working as Assistant Accounts Officer in the office of the Accountant General (Accounts & Entitlements), Andhra Pradesh. The 1st and 4th applicants in OA 868/94 passed the Subordinate Accounts Service (SAS) Examination in February, 1977; the second and the third applicants, passed the same examination in December 1977, while the applicant in OA 989/94 passed the SAS Examination in November 1975.

2.1 All these applicants thereupon volunteered to be deputed as Section Officers in the office of the Accountant General, Maharashtra, and were accordingly deputed as under:

OA 868/94: 1st applicant	- June, 1978 to May,
2nd applicant	- July, 1978 to June,
3rd applicant	- June, 1978 to April
4th applicant	- August, 1977 to April

(deputed again in February, 1979 till February, 1988 to the office of the Deputy Director (Food), Bombay.)

The applicant in OA 989/94 was deputed to the same office, viz., Accountant General, Maharashtra, from May, 1978 to May, 1981.

2.2 These five applicants were promoted in their turn as Section Officers in their parent unit in August 1981, May 1982, September 1981, September 1981 and July 1981, respectively.

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S.V. Ranga Reddy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

Amr-J

O.A. No. 868/94 and 989/94

Date: 8/1/97



1. O.A. 868/94

Between:

1. B. Ch. Gopalakrishna
2. S. Dattatreya Sarma
3. P. Pandu Ranga Rao
4. V.V. Subrahmanyam

.. Applicants

and

1. Comptroller & Auditor
General of India,
New Delhi.

2. Principal Accountant General,
Audit-I, Andhra Pradesh,
Hyderabad.

.. Respondents

Applicants in person
~~Mr. S. V. Ranga Reddy~~

.. ~~Respondents~~

Mr. G. Parameshwara Rao

.. Counsel for respondents

2. O.A. 989/94

Between:

.. Applicant

and

1. Comptroller & Auditor General
of India, New Delhi.

2. Accountant General (A&V),
Andhra Pradesh, Hyderabad.

.. Respondents.

(Mr. S.V. Ranga Reddy, applicant, in person)

Mr. G. Parameshwara Rao

.. Counsel for respondents

CORAM

HON'BLE MR. JUSTICE M.S. CHAUDHARI, VICE CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE) *S*

services rendered by them in ex-cadre posts upto that date, i.e., 31st March, 1980, for the purpose of pay-fixation on their promotion as S.Os. in parent offices. This concession was conveyed in Circular No. NCE/21/1980 vide C.A.G. No. 1002-NCE.I/15-79 dated 2nd April, 1980.

--- A separate and subsequent circular (No. 2349-NCE.I/15.79) dated 25th July, 1980, the C.A.G. prescribed a time-limit of three months for the purpose of extending the above-stated concession. In the circular it was explained that the condition(s) prescribed under proviso I(iii) of F.R.22 which had been earlier relaxed upto 31st March, 1973, only in respect of deficit offices of Accountants General Assam, Himachal Pradesh, and Chandigarh and Jammu & Kashmir, was to be now extended to other identified deficit offices from 1st April, 1973 to 31st March, 1980. This concession, it was further explained, was being given to the eligible officials because of the fact that the deputationists were not aware at the time of their deputation whether the relaxation now allowed by the Government would be available to them. The deputationists in the specified deficit offices were therefore given the choice to opt for the grade pay of SAS-qualified officials. Such option had to be exercised within three months from 25th July, 1980. An additional condition was that such officials had to refund the over-payments, if any, made to them. On the fulfilment of these twin conditions, the entire period of their deputation would be counted for the purpose of increment in the Section Officer's post in their parent units on their regular promotion. (It was clarified in the earlier circular that the concession so extended to them would not, however, confer any benefit of seniority over their seniors who may not have exercised similar option)

4.2 At one stage, it was contemplated to approach the Government for extending this concession beyond 31st March, 1980,

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3. The deputation of the applicants to office(s) in Maharashtra was due to the fact that adequate number of qualified officials were not available there to fill the existing vacancies of Section Officers whereas there were more qualified candidates awaiting promotion in the office(s) in Andhra Pradesh than the number of vacancies available to absorb them. The former are called 'Deficit Office s'.

3.1 At the point of their initial deputation, the applicants had the choice of opting for (a) grade pay plus 30% of their basic pay as deputation allowance, or (b) the minimum of the pay scale of a Section Officer. All applicants herein opted for (a) above.

4. It would appear that upto 1978, the Deputationists were allowed the concession of counting the officiating service rendered by them in the capacity of Section Officers in clearly identified deficit offices, for drawing increments at the time of regular promotion in their parent offices. However, after the amendment to FR 22 sometime in 1965, it was not found possible to continue the concession. With this development, a situation was created in which deficit offices were severely handicapped for want of suitable qualified officials who did not find it attractive any longer to volunteer for deputation to those offices. While this was the plight of the traditionally 'deficit' offices, there was discontent among the 'surplus' offices with too many qualified officials and, correspondingly, few or no vacancies available to absorb them. To remedy this unsatisfactory situation, the sanction of the Government of India in the Ministry of Finance was obtained for the relaxation of conditions under proviso (iii) of F.R.22 for the period upto 31st March, 1988, or the date of announcement of the results of SAS Examination, 1979, whichever was earlier. This enabled the SAS passed officials who were already on deputation to deficit offices to count the

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stated that he did not think of changing his option for, in 1980, Deputation Allowance which he was already receiving was more beneficial. He could lay his hands on the subsequent circulars only in 1993 with great difficulty. Applicant-4 duly saw the circular of 1980, but the later circulars were not communicated to him.

6.1 All the applicants submitted representations with a request that they be permitted to exercise option as originally envisaged in 1980. They state that this was done as soon as each of them became aware of the circulars on different dates. Their requests were not accepted. Hence these OAs.

7. The grievance of the applicants is based on the following grounds:

- (i) they were not made aware of the relevant circulars issued in 1980;
- (ii) due to the non-supply/circulation of these circulars, they were made to incur recurring financial loss;
- (iii) the restricted and selective extension, to few officials, of the concession of treating the period of deputation for the purpose of fixation of pay in Section Officers grade on promotion in their parent units, is discriminatory and arbitrary;
- (iv) that the response of the authorities rejecting their claim is non-speaking, and the result of non-application of mind;
- (v) the stand of the respondents that the applicants' claims are time-barred is illegal, arbitrary and discriminative, in view of (i) and (ii) above;
- (vi) when the said benefit was extended to even retired persons or the heirs of deceased officials in terms of the scheme, the same should not have been denied to the applicants who are still serving the department;

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indeed for as long as necessary beyond the said date. It would seem, however, that either the suggestion did not favour with the Government or was not pursued by the C.A.G. Whatever the reason, the scheme of exercising options/refunding the overpayments, is seen to have been renewed only on an annual basis on 19.8.1980, 6.5.1981, 22.6.1982, 26.11.1982 - and possibly subsequently.

5. None of the applicants exercised any option in response to the scheme. Resultantly, they denied themselves the concession relating to the counting of service while on deputation to deficit offices in Maharashtra, rendered in officiating capacity of Section Officers. In their parent offices, their pay came to be fixed on regular promotion in their parent offices. And that is their sole grievance in these OAs.

6. The applicants assert that the reason for their having been unable to exercise timely option was that the circular dated 25th July, 1980, was not brought to their notice at all. Consequently, they were totally unaware of the scheme extended to the likes of them or the requirement of any option to be exercised by them in this regard. In support of this assertion they explain that neither the Deputation Unit of their parent office nor the office of their deputation took care to circulate the scheme to them individually or to apprise them of the details of the scheme in any manner. They say that while on deputation in Maharashtra, and even after their return to the parent unit, their duties required them to be away on protracted tours, and thereby ^{they} could not gain any awareness of the scheme at all. Applicant-1 says he learnt of the said circular in 1981. Applicant-2 says he learnt of it only in 1993. Applicant No.3 says that circulars dated 2nd April, 1980 and 25th July, 1980, were duly communicated to him, but the later circular of 6th May, 1981, and 22nd June, 1982, were not sent or shown to him;

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- (d) Applicant No.2 was deputed to Accountant General, Maharashtra I who in turn placed his services at the disposal of Accountant General, Central Bombay, which was not a deficit office. Hence he was not entitled to the scheme of benefit applicable only to those officials who are deputed to deficit offices.
- (e) Applicant No.4 opted to go on deputation to the office of the Director of Audit (Food) which was also not classified as Deficit Office.
- (f) The applicants have themselves stated that they did not opt for Section Officers' scale as it was not of any benefit to them at the relevant time. (This is not found to be correct since only Applicant No. 1 and 3 stated so, and not the remaining two applicants).
- (g) Even though no speaking order was required to be issued to the applicants in the matter, the impugned orders did nevertheless spell out, even if briefly, the reason for the rejection of their claim, viz., impermissible delay in preferring the claim.

It is finally asserted by the Respondents that the reliefs claimed by the applicants are inadmissible on merits as the grounds adduced are untenable, and the OAs deserve dismissal.

9. In an excessively lengthy rejoinder, the applicants reiterate all their earlier pleadings and refute some of the replies given by the respondents in their counter-affidavit. They maintain that the circular of 25th July, 1980, was not supplied to them at any time; that the subsequent circulars extending the benefits to deputationists after 1980 were equally applicable and relevant to their case in as much as each case of deputation is tenable only for an year and renewed annually; that the order rejecting their claim is non-speaking; that the

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(vii) the time-limit of three months prescribed by

Respondent No.1 was set by him alone and cannot have any binding effect on the applicants, when the Government themselves did not lay down any limit of the kind.

7.1 Based on the above grounds and arguments, the applicants pray for setting aside the orders issued by the Principal Accountant General (Audit-I), Hyderabad, rejecting the individual claims of the applicants, on 25th April, 1994.

8. The Respondents have filed an elaborate reply rebutting the various claims and assertions of the applicants. The counter affidavit is mostly factual, covering aspects of the case which are not in dispute. The following points, however, deserve mention:

- (a) Copies of circular dated 25th July, 1980, containing the details of the concession was duly sent to all deputationists, including the applicants.
- (b) Circulars issued from time to time after July, 1980 were not relevant to the claims of the applicants since these (subsequent) circulars merely extended the benefit to those officials who opted for deputations after 1980 and every successive extension was applicable only to such fresh deputationists and not to those, like the applicants, who had opted to go on deputation prior to 1980 and had failed to exercise the option in time, viz., within three months from 25th July, 1980, when called upon to do so.
- (c) The applicants advisedly refrained from exercising revised option due to the simple fact that the original option exercised by them, viz., grade pay plus deputation allowance, was more beneficial to them.

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Office of the Accountant General, Maharashtra, was one such deficit unit. Now, a particular smaller office within the territorial jurisdiction of A.G., may not have been specifically declared to be a deficit office. Nevertheless, it doubtless remains the responsibility of the Accountant General to initiate necessary steps to provide the needed manpower ^{to} such office(s) to the extent possible by way of deployment of officials from among the available volunteer-deputationists. To state thereafter that a particular office has not been declared to be a deficit office is to deny logic. Such seems to be the position of the office of the Deputy Director (Food), Bombay. Even if it is argued that the said office was a unit of Director of Audit (Food), New Delhi, and not therefore a sub-unit of A.G., Maharashtra, we notice that the circular dated 2nd April, 1980, was specifically addressed to the former, calling for information regarding the prevailing shortages of SAS qualified officials to man the posts of Section Officers. This fact clearly suggests that the sub-units of Director of Audit (Food) were equally handicapped for want of suitable qualified officials like any other unit in the State. For this reason we are unable to accept the plea of the respondents that the office of the Deputy Director Audit (Food), Bombay was outside the scheme.

12. The second question relates to the so-called non-speaking rejection of the applicants' claims by the C.A.G. The applicants complain that the CAG had turned down their request through an order which does not spell out the reason for such rejection. The respondents say that no 'speaking' order is necessary since this is not a matter coming within CCS(CCA) Rules, 1965 (Para 4(viii) page 8 of the counter-affidavit). This is not quite correct since a detailed reasoned order would be in order even in matters outside those coming under the said rules, specially

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rejection of their claims was improper, especially when it had been duly extended to retirees and heirs of deceased deputationists; that the same negated the basic policy of government which was to encourage volunteers to opt for a tenure on deputation in deficit offices; and that the government had not itself prescribed any time-limit for the exercise of options in the circular of 2nd April, 1930. Quite apart from these twice-stated arguments, the rejoinder goes to needless lengths to repeat all old pleas and raises no new point. For this reason alone, the rejoinder needs to be ignored: it contains no new fact or any fresh revelation.

10. We have considered the facts of the case carefully. Despite elaborate arguments and equally lengthy rebuttal, the non-exercise of options within the time-limit prescribed by the Respondents in their circular dated 23rd July, 1930, is the central issue here. The respondents' stand is simply that the applicants are not entitled to any relief since they basically failed to exercise the option in time. The applicants, on the other hand, assert that they were neither aware of the relevant circular nor the stipulation (or the time-limit) about any option to be exercised. In support of this assertion the applicants cite their continuous and protracted tours-of-duty away from their temporary headquarters which they say rendered it difficult for them to learn about the benefit sought to be extended to the like of them.

11. Before this basic issue is dealt, we consider it necessary to dispose of two ancillary questions arising in the case.

12. The first relates to the concept of 'deficit offices'. This we understand to mean those major offices/units which do not receive an adequate number of qualified officials within their administrative jurisdiction to fill the available vacancies over a period of time through the normal channels of intake necessitates the resort to deputation from offices elsewhere.

Qr/

concession or benefit that may come their way from time to time - could remain so ignorant in a matter which was of immediate advantage to them for as long as a decade, and that they could only obtain a copy several years later 'with greatest difficulty', as one of the applicants chose to put it. The circular was not a confidential document nor was it intended for restricted circulation, which is why we are unable to see a copy. There were several normal ways in which the deputationists could have gained knowledge of the contents of the said circular - individual intimation, display on office notice-board, through the concerned group officers, from the journals periodically issued by the Association of Officers, if any, or by just word of mouth. It is impossible to accept that the applicants could remain in the dark about the scheme for as much as a decade and more. For these reasons, we totally reject the story set up by the applicants in this regard. The reasons for the applicants' failure to avail of the opportunity to exercise the option available to them cannot certainly be ascribed to non-communication of the relevant circular(s), or their lack of knowledge, as asserted by them. To our mind, the reason seems to be elsewhere. It would seem probable that the applicants were quite satisfied until several years later, with the deputation allowance granted to them; choosing the minimum of the grade pay of S.Os was ^{obviously} less beneficial - as has indeed been stated by one of them. It was perhaps owing to developments which occurred much later, and which could not evidently be foreseen in 1980, - like for example, a substantial improvement in the pay-structure from the beginning of 1986 - which awoke the applicants to the opportunity missed (apparently wantonly) by them earlier. But by then they were late for the benefit by a decade and more.

J.

with a request comes to be rejected. However, it is seen that the reason - delayed claims - have been duly given by Respondent Delay - in exercising options, in referring claims - being the main issue in these cases, the indication thereof is considered adequate and sufficient. No other elaborate reasons are necessary to be indicated when none are needed. We reject the plea of the applicants on this score.

13. Now for the main question of delay. We notice that the relevant circular was duly communicated (Annexure A-3) to all 'SOs (on deputation)' (through Deputation Unit, Adm-I Sn)' by the office of the Accountant General, A.P.-I, on 19th August, 1980. Furthermore, it is inconceivable that Accountant-General, [redacted] office or in offices under him the applicants were functioning on deputation) would have failed to communicate to all concerned offices the details of the new benefit being extended to deputationists, for the simple reason that many such deputationists were even then working in his office or offices under his control or within his territorial jurisdiction. For this reason, we are inclined to believe and accept as true the statement of the Respondents that the said circular was communicated to the deputationists by both the Accountants General of Andhra Pradesh as well as of Maharashtra. Moreover, circulars of common interest affecting the staff are routinely displayed on the office notice-board as an ordinary practise. And even if the applicants happened to be on tour at the point of time when they were so displayed, one cannot imagine that they did not visit or return to the H.I. office even once between inspections during the entire period available for exercising the required options, if they were so inclined to exercise it. Above everything, we cannot persuade ourselves to believe that the applicants - all of them Audit/Accounts SOs, who are generally known to be alert and alive to any new

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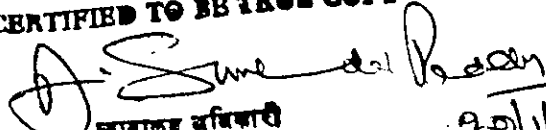
14. The applicants contend that the extension of the benefits through circulars issued subsequent to the initiation of the scheme in 1980 had the effect of extending the date of exercising the options. We donot agree. It is clear that the later circulars pertained to only those officials who had volunteered for deputation to deficit offices after the results of SAS exam, 1980, ^{and in later years} were announced. Although this was not clearly spelt out in the relevant circulars, the import and intent are not in any doubt.

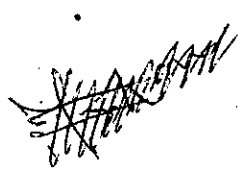
15. To sum up, the facts revealed in these cases donot persuade us that the applicants are entitled to the reliefs claimed by them. They have not succeeded in establishing any right and the grounds ascribed are far from convincing. We are also of the view that the time-limit of three months set by the authorities was not unreasonable or needlessly restrictive.

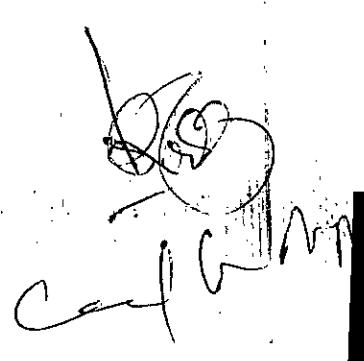
16. In the light of what has been discussed in the preceding paragraphs, we have no choice except to disallow the claims of the applicants. The OAs are accordingly dismissed as lacking in merit.

17. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH
9/11/87





GOVERNMENT OF INDIA'S INSTRUCTIONS

(1) Self-contained speaking and reasoned order to be passed and to issue over signature of prescribed disciplinary/appellate/reviewing authority.—As is well known and settled by courts, disciplinary proceedings against employees conducted under the provisions of C.C.S. (C.O.A.) Rules, 1965, or under any other corresponding rules, are quasi-judicial in nature and as such, it is necessary that orders in such proceedings are issued only by the competent authorities who have been specified as disciplinary/appellate/reviewing authorities under the relevant rules and the orders issued by such authorities should have the attributes of a judicial order. The Supreme Court, in the case of Mahavir Prasad v. State of U.P. (A.I.R. 1970 S.C. 1902) observed that recording of reasons in support of a decision by a quasi-judicial authority is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy, or reached on ground of policy or expediency. The necessity to record reasons is greater if the order is subject to appeal.

2. However, instances have come to the notice of this Department where the final orders passed by the competent disciplinary/appellate authorities do not contain the reasons on the basis whereof the decisions communicated by that order were reached. Since such orders may not conform to legal requirements they may be liable to be held invalid, if challenged in a court of law. It is, therefore, impressed upon all concerned that the authorities exercising disciplinary powers should issue self-contained speaking and reasoned orders conforming to the aforesaid legal requirements.

3. Instances have also come to notice where, though the decisions in disciplinary/appellate cases were taken by the competent disciplinary/appellate authorities in the files, the final orders were not issued by that authority but only by a lower authority. As mentioned above, the disciplinary/appellate/reviewing authorities exercise quasi-judicial powers and as such, they cannot delegate their powers to their subordinates. It is, therefore, essential that the decision

1. G.I., M.H.A., (Dept. of Personnel and A.R.) Notification No. 11012/2/77-Ext. A, dated the 16th August, 1978, published as S.O. No. 2465 in the Gazette of India, dated the 2nd September, 1978.

taken by such authorities are communicated by the competent authority under their own signatures, and the order as issued should comply with the legal requirements as indicated in the preceding paragraphs. It is only in those cases where the President is the prescribed disciplinary/appellate/reviewing authority and where the Minister concerned has considered the case and given his orders that an order may be authenticated by an officer, who has been authorised to authenticate orders in the name of the President.

4. The contents of this O.M. may kindly be brought to the notice of all concerned for their information and guidance.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. 131/1/81-ADV-I, dated the 13th July, 1981.]

[Handwritten signature]

~~Amun - III~~

(3) non-speaking order without recording reasons fatal.—One of the attributes of a quasi-judicial order is that it must be a reasoned order upon a finding on the facts in controversy and application of law to the facts found. It is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy or reached on ground of policy or expediency. The necessity to record reasons is greater if the order is subject to appeal or revision to a higher authority.

The second respondent, the appellate authority in the instant case, merely passed a laconic order stating that charge III of the charge against the petitioner was proved and the penalty of compulsory retirement from service can be justified on that charge alone. Since the second respondent had not passed a speaking order it cannot be found what were the matters which weighed with the second respondent in holding charge III as proved and secondly for justifying the order of compulsory retirement. Central Civil Services (Classification, Control and Appeal) Rules enjoin a duty on the part of the second respondent to consider the findings of the initial authority and whether the punishment imposed was justified on the materials. The laconic order passed by the second respondent does not indicate the consideration which the second respondent gave in relation to those matters. Admittedly, the order passed by the second respondent is subject to review under Rule 29 (3). Unless the second respondent passes a reasoned order or a speaking order, it is not possible for the reviewing authority, the Central Government, to exercise its review power under the said provision. The order of the second respondent is therefore liable to be set aside.

[R. Abdul Wahab v. Union of India, (1976) 2 M.L.J. 12]

Amun - III

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4.22. (3) The terms and conditions of deputation should be settled well in advance and communicated both to the foreign employer and to the Government servant to be placed on deputation before he is released to take up foreign service so that complication may not arise later on. The terms of deputation should ordinarily indicate the pay, special pay or deputation allowance admissible during the period of deputation outside this office and also include a specific provision for payment of leave and pension contribution on behalf of the deputationist wherever necessary.

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Amr - D

~~Amr - D~~

(2) Mere suspicion should not take the place of proof.—Though we fully appreciate the anxiety of the appellant to root out corruption from public service, we cannot ignore the fact that in carrying out the said purpose, mere suspicion should not be allowed to govern criminal trials in Courts may not necessarily apply to disciplinary proceedings, but nevertheless, the principle that in punishing the guilty scrupulous care must be taken to see that the innocent are not punished, applies as much to regular criminal trials as to disciplinary enquiries held under the statutory rules.

It is true that the order of dismissal which may be passed against a Government servant found guilty of misconduct, can be described as an administrative order; nevertheless, the proceedings held against such a public servant under the statutory rule to determine whether he is guilty of the charges framed against him are in the nature of quasi-judicial proceedings and there can be no little doubt that a writ of certiorari, for instance, can be claimed by a public servant if he is able to satisfy the High Court that the ultimate conclusion of the Government in the said proceedings, which is the basis of his dismissal, is based on no evidence.

[Union of India v. H.C. Goel, A.I.R. 1967 S.C. 364.]

Disciplinary proceedings before domestic tribunal are of a quasi-judicial character; therefore, the minimum requirement of the rules of natural justice is that the tribunal should arrive at its conclusion on the basis of some evidence, i.e., evidential material with which some degree of definiteness points to the guilt of the delinquent in respect of the charge against him. Suspicion cannot be allowed to take the place of proof even in domestic inquiries.

[Nand Kishore Prasad v. State of Bihar, A.I.R. 1978 S.C. 1277; 1978 L.J. S.L.W.R. 193; 1978 H.L.J.R. 289; 1978 J.L.J. 34; 1978 U.L.J. 35.]



in the Director of Census Operations Department and was a pay of Rs. 350/- from 2.8.73 to 28.2.74, when he retired. He was declared as surplus by the office of the Director of Census Operations.

3. Under the Government of India Rules regarding deployment of surplus personnel, the services rendered in the earlier department, where he was declared surplus, was also taken into account and the pay was also protected under FR 27 of the Accountant General, Hyderabad. Accordingly, his pay was ordered to be fixed taking into account of the service and pay in the Census Department as per office Order No.157 dated 29th September, 1982.

4. After the issue of the Office order No.157 dated 29.9.82, fixing his pay under FR 27, the 1st respondent herein. Finally, the Comptroller & Auditor General in their letter No.735-NI/27-77-I dated 31.3.83, informed the 1st respondent that the applicant could not be allowed to count the service rendered by him in the Census Department as he worked in the Food Corporation of India in the intervening period, and these orders were communicated to the applicant in their NO.MAB/A/48/1/83 Office order No.12 dated 11.4.83. The applicant gave a representation on 19.7.83/22.8.83 to the third respondent bringing out all the facts seeking justice. The same was rejected as per OM. No.MAB/A/48/1/1888 dated 23rd February, 1987. Hence, the present OA is filed by the applicant for the already indicated reasons.

5. Counter is filed by the respondents opposing this O.A.

6. This OA is opposed on the point of limitation by the respondents. This OA is also opposed on the ground that the services of the applicant from 2.8.71 to 28.2.74 cannot be counted after the applicant was appointed as Auditor in the Office of the Second respondent on 22.4.77, in view of the fact that the applicant had accepted a temporary appointment for a period of 5 months in the Food Corporation of India after he was declared surplus in the Office of the Director of Census operations, Hyderabad.

7. Salary and allowances are payable to a Public servant month after month. Right to receive remuneration is a recurring right. So that being the position the cause of action to get the pay of the applicant re-fixed after taking in to consideration the services for the period which he rendered in the office of the Director of Census Operations, Hyderabad in the circumstances of the case, is a recurring

Contd:..3/-

S.No. 12(R)

183
Annexure VI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.

O.A.NO. 686 of 1990.

Between

Dated: 4.3.1992.

M.Lakshminarayana

...

Applicant

And

1. Member Audit Board & Ex-Office Director of Commercial Audit
A.G. Office Complex, Hyderabad.
2. The Comptroller & Auditor General of India, 10, Bahadur Shah
Jafar Marg, New Delhi.
3. Government of India represented by Secretary Department of
Personnel and Administrative Reforms, New Delhi.

... Respondents.

Counsel for the Applicant : Sri. I. Dakshinamurthy

Counsel for the Respondents : Sri. N. Bhaskara Rao, Addl. Secy.

CORAM:

JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE
HON'BLE MR. T. CHANDRASEKHAR REDDY, JUDICIAL MEMBER.

This is an application filed under section 19 of the Administrative Tribunals Act to direct the respondents to count the to 28.2.74 by which applicant in the Censes Department from 28.71 OM No. MAB/A/48-1/1888 dated 23.2.1987.

The facts giving rise to this application in brief may be stated as follows:-

1. The applicant was recruited as sorter in the office of Director of Census Operations, Hyderabad and worked there from 2.8.71 to 28.2.74 till he was declared surplus. His pay was Rs. 350/- w.e.f. 2.8.1973. As he was declared surplus in the office of the Director of Census, Hyderabad, the applicant accepted a temporary appointment for a period of 5 months in the Food Corporation of his case was under consideration of the surplus cell of the Government of India.

2. The applicant was appointed as Auditor in the office of the second respondent on 22.4.77(A.N.) His pay was initially fixed at Rs. 330/- in the time scale of pay of Rs. 330-10-380-EB-12-500-EB-15-560. This was the same time scale in which the applicant was

Contd...2/-

Director of Census Operations Hyderabad, after he was appointed as Auditor in the office of the second respondent. So, this appears to be a fit case to direct the respondents to refix the pay of the applicant in the post of Auditor in the Office of the 2nd respondent after counting the services of the applicant as Sorter from 28.2.74.

10. The applicant had been informed as early as in 1983 that the applicant cannot count his past services for the reason of accepting employment during the intervening period. For the applicant's representation dated 22.8.83, the respondents had replied on 23.2.87. From 23.2.87 the applicant had not approached this Tribunal within a period of one year. As a matter of fact, the applicant had approached this Tribunal only on 7.5.1990. In view of the above position and also bearing in mind the provisions of Section 21 of Central Administrative Tribunal to restrict the monetary limitation it will be applicant resulting in view of the said re-fixation of his pay from the year 1977, only for a period of one year prior to the date of filing this application. Thus, the applicant will be entitled for payment of all arrears and other consequential benefits w.e.f. 7.5.89 only after the pay of the applicant is fixed notionally with effect from the date of the appointment of the applicant in the office of the 2nd respondent as Auditor in the year 1977 with all consequential benefits, counting the period of service of the applicant as Sorter from 2.8.71 to 28.2.74 in the Office of the Director of Census Operations, Hyderabad.

11. In the result, we direct the respondents to refix notionally the pay of the applicant with all consequential benefits in the post of Auditor from the date of his appointment in the year 1977 in the office of the 2nd respondent in accordance with law after counting his services which he rendered as Sorter in the office of the Director of Census Operations, Hyderabad from 2.8.71 to 28.2.74. But the applicant will be entitled for actual monetary benefits with all arrears thereof only from 7.5.89. This order shall be implemented within two months from the date of receipt of this order by the respondents. This application is allowed accordingly. We direct the parties to bear their own costs in the circumstances of the case.

Sd/-
Deputy Registrar(Judl.)

CERTIFIED TO BE TRUE COPY

Court Officer,

Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

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right and so we are of the opinion that this OA is not barred by limitation.

8. As already pointed out, the case of the respondents is but for accepting a job in Food Corporation of India for a period of 5 months that the applicant could have had the benefit of past services from 2.8.71 to 28.2.74 in refixation of his pay in the present post.

9. It is pleaded in the counter of the respondents that the Comptroller and Auditor General of India, vide his letter No.735.NI/27/71-I dated 31.3.83, had clarified that the Ministry of Finance, (Department of Expenditure) to whom a similar case was earlier referred, had opined that where another appointment has intervened between retrenchment from the Census Department and appointment and on the same analogy, the applicant in this case, who rendered service in the Food Corporation of India, immediately after his retirement from the Census Department, would not be entitled to count his past service rendered in the Census Department. The above proceedings would give an impression if the applicant during the intervening period, that is from the date he was retrenched on being declared surplus in the Census Department and till the date he was appointed in the Office of the second respondent, had remained idle, could have had the benefit of counting his past service in the Food Corporation of India, in the intervening period that disqualified him to count his past services. Absolutely, we see no merits in not counting the services of sorter which the applicant had put up in the office of the Director of Census Operations, Hyderabad, on the ground, that he accepted some other employment in the intervening period that is from the date he was declared surplus and till the date he was appointed as Auditor in the office of the Second Respondent in the identical pay scale as that of sorter. It looks as if a person accepts some post and works to keep his body and soul together, during the intervening period, he will be losing eligibility for counting his past service to the post which is recruited later, carrying the same pay scale of the post which he had held prior to retrenchment. If no post is available soon after the employee is retrenched as being declared surplus, naturally, he has to avail the opportunity of taking up some other post as and when it becomes available. So, in this case, as the applicant could get employment, he seems to have worked in Food Corporation of India for a short period of 5 months. It may not be fair to deprive the applicant from counting his service from 2.8.71 to 28.2.74 which he rendered as Sorter in the Office of the

Copy to:-

1. The Member, Audit Board & EX Office Director of Commercial Audit A.G. Office Complex, Hyderabad.
2. The Comptroller & Auditor General of India, 10, Bahadur Shah Jafar Marg, New Delhi.
3. The Secretary, Govt. of India, Department of Personnel and Administrative Reforms, New Delhi.
4. One copy to Sri. I. Dakshinamurthy, advocate, CAT, Hyd.
5. One copy to Sri. G. Parmeswar Rao, SC for AG, CAT, Hyd.
6. One copy to DR (Judl.), CAT, Hyd.
7. Copy to all Reporters as per standar list of CAT, Hyd.
8. One spare copy.
9. One copy to Honble Sri. T. Chandrasekhar Reddy, Member (Judl) CAT, Hyderabad.

RSM/-



Annexure ~~IX~~ VII

Accountant General (A&E),
HYDRABAD - 500 004.

No. Admn.14-13-96

Date: 10-1-1997

OFFICE ORDER NO.183

The undermentioned Accounts Officers are promoted to officiate, until further orders, in the grade of Senior Accounts Officer in the scale of pay of Rs.2200-75-300 (B-10-400) (Group 'B') with effect from the date of taking over charge.

S/Sri/Smt

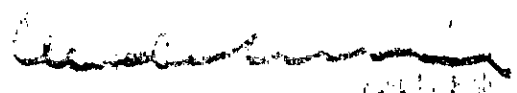
K. Krishna Kumari

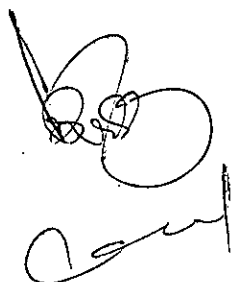
R.V. Subba Rao

Y. Saibaba

The promotions ordered are without prejudice to the claims of their seniors, if any, and also subject to the result of the Writ Petitions pending in the Andhra Pradesh High Court/Supreme Court/Central Administrative Tribunal.

The Officers should exercise the powers and pay under the provisions of F.R. 22(a)(1) (old FR.22-C) within one month from the date of this order in terms of Government of India O.M.No. 17130-P dated 25-09-1981.


ACCOUNTANT GENERAL (A&E)

 for sign

Landmark Judgments

By L Ravichander

The bench was dealing with a writ appeal filed by a candidate who was refused admission on the ground that he did not respond to a telegram requesting him to be present for admission.

Eamcet convenor held responsible for non-receipt of telegram by student

A division bench of the Andhra Pradesh High Court comprising Chief Justice Prabha Shankar Misra and Justice V Raja Gopala Reddy held the Convenor, Eamcet responsible for non-receipt of a telegram to a candidate, eligible for admission to Engineering College under the NCC 'C' Quota.

The bench was dealing with a writ appeal filed by a candidate who was refused admission on the ground that he did not respond to a telegram requesting him to be present for admission.

Mr O Manohar Reddy argued that the act was illegal and his client cannot be held responsible as no information was received by him and as the telegram was not received, his client cannot be made to suffer.

Speaking for the bench, Chief Justice Prabha Shankar Mishra declared the legal position on the legal consequences of an agent getting involved in carrying a message from one person to another as the Telegram Department/ Postal Department was chosen as its agency by the respondent to carry the intimation or delivery to the petitioner/applicant that "the lapse of the telegraph department resulting in non-communication of the date for the interview to the petitioner/ applicant has to be constructed as the lapse of an agent of the respondent and the Principal, i.e., the respondent must take the responsibility/ liability of the lapse of the agent."

The bench declared that the non-appearance of the writ petitioner/

applicant for the interview on the relevant date has been caused on account of the lapse of the respondent and thus the respondent has the liability to make good the loss caused to the petitioner.

Revised Appn
IN THE ~~CENTRAL ADMINISTRATIVE~~
TRIBUNAL, HYDERABAD BENCH AT
HYDERABAD.

R.A.No.

of 1997

in

O.A.No. 989 of 1994

Between:

S.V.Ranga Reddy

..Applicant

And

CAG of India
and another

Respondents



REVIEW APPLICATION FILED UNDER
SECTION 17 OF CAT (PROC) RULES.

S.No.	Index	Annexure
1. Copy of Judgement in O.A.No.989/94		I
2. Self contained and Reasoned order obligatory-Mahavir Prasad Vs. State of U.P. Govt. of India instruct- ions		II
3. Non-speaking order without recording reasons fatal --R.Abdul Wahab Vs. Union of India		III
4. Terms and conditions of deputation		IV
5. Union of India Vs. H.C.Goel		V
6. Copy of Judgement in O.A. 686/90		VI
7. O.O.No.184, dt.10.1.97		VII
8. A.P. High Court Judgement in the case of Council convenor V student		VIII

Filed on: 31-1-1997.

Filed by:

Mr.K.Sudhakar Reddy, Advocate,

COUNSEL FOR APPLICANT.

Ray Se filed
[Signature]
10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD AND CHITTYAL

R.A.No. 18/97 to O.A. 989/94.

Date of Order: 6-3-97

Between:

S.V. Rangas Reddy.

... Applicant.

And

1. The Comptroller and Auditor General
of India, Bangalore
New Delhi.

2. The respondent (A.O. No. 2)
... Respondent.

Respondents.

For the applicant: Mr. K. Subbarao Reddy, Advocate.

For the respondent: Mr. P. Subbarao Reddy, Advocate.

COMMISSIONER: THE HON. MR. JUSTICE J.G. CHANDRAN : VICE-CHAIRMAN

THE COMMISSIONER MR. JUSTICE J.G. CHANDRAN : VICE-CHAIRMAN

The Tribunal made the following order:-

All points were raised in detail at the hearing.

No error. No case for review. F.A. is rejected.

Deputy Registrar (D) CC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

R.A.NO. 18/97 in O.A.989/94.

Date of Order: 6-3-97

Between:

S.V.Ranga Reddy.

.. Applicant.

and

1. The Comptroller and Auditor General
of India, Bahadur Shah Zafar Marg,
New Delhi.
2. The Accountant-
A.P. Hyderabad. (A and E)

.. Respondents.

For the Applicant: Mr. K.Sudhakar Reddy, Advocate.

For the Respondents: Mr.G.Parameswar Rao, SC for AG.

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

All points were examined in detail at the hearing.

No error. No case for review. R.A. is rejected.

Am/Am 21-3-97
Deputy Registrar(J) CC

R.A. 18/97

To

1. The Comptroller and Auditor General of India,
Bahadurshah Zafar Marg, New Delhi.
2. The Accountant General (A and E) A.P.Hyderabad.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.G.Parameswar Rao, SC for AG. CAT.Hyd.
5. One spare copy.

pvm

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 6 - 3 - 1997

ORDER / JUDGMENT

~~M.A./R.A/C.A.~~ No. 18/97

in

O.A.No. 989/94.

T.A.No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

