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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1482/95.

Dt. of Decision : 15-06-98

G.Bhaskara Rao

.. Applicant.

Vs

1. The Controller-General of Accounts,
Min. of Finance, Dept. of Expenditure,
Lok Nayak Bhavan, 7th Floor,
Khan Market, New Delhi-1.

2. The Controller of Accounts,
Min. of Water Resources,
Sastry Bhavan, 'E' Wing,
New Delhi-1.

.. Respondents.

Counsel for the applicant : Mr.P.Rathaiah

Counsel for the respondents : Mr.K.Ramulu, Addl.CGSC.

CCPAM:-

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

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

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ORDER

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

Heard Mr. Sanyasi Rao for Mr. P. Rathaiah, learned counsel for the applicant and ~~Emt.~~ Rukumani for Mr. K. Ramulu, learned counsel for the respondents.

2. The learned counsel for the respondents could ^{not} explain the case properly. Hence, we read the case ourselves and the following order is passed:-

The applicant in this OA was appointed as Auditor in the office of the Accountant General, Hyderabad, A.P. in the year 1970. Later he gave option to work in the Central organisation and had been allotted to the Pay and Accounts Officer, Central Excise, Guntur, A.P. under the control of Ministry of Finance and he had continued ^{his} ~~the~~ services at the same place in the capacity of Accountant. The applicant was promoted ^{to} ~~the~~ next higher post of Junior Accounts Officer in the year 1987 and joined at the office of the Executive Engineer, L.K.D. Ministry of Water Resources, Hyderabad under R-2. He was promoted as Assistant Accounts Officer at the same place in the scale of pay of Rs.2000-3200/-. He worked as Junior Accounts Officer from 1987 to 1991 earlier to his promotion as Asst. Accounts Officer. The applicant submitted a representation to R-1 on 23-06-94 through proper channel for promotion and also ^{advised the} ~~the~~ position in the Roster maintained to be shown to him.

3. The applicant is an aspirant for the post of Pay and Accounts Officer in the senior scale. The respondents submit that the post of Pay and Accounts Officer is All India controlled post and roster register is maintained all India wise. The applicant can be promoted to the post on his turn following the roster.

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The respondents further submit that they used to find willingness of the officers for posting in any of the place in India and on that basis they ~~used~~ ^{tried} to accommodate the officers at the place of their choice. Accordingly, when the applicant was asked to submit his place of ^{choice for} posting by letter dated 5-4-95 (Page-17 to the OA) the applicant gave option by his letter dated 1-5-95 for posting ^{at} him Hyderabad and Guntur only. It is further stated that an Assistant Accounts Officer expressing his desire ~~from promotion on~~ ^{on promotion} a particular station only will be deemed to have refused promotion on other stations against vacancies that might arise during the currency of the panel. The applicant was not promoted on the premise that there are no vacancies of Pay and Accounts Officer in the senior scale available at Hyderabad ^{at Guntur} for posting him. It is also stated that there are seniors to him who preferred to be posted ^{at} Hyderabad and Guntur and hence the applicant can be accommodated in those stations only after his seniors were promoted.

4. This CA is filed praying for a direction to the ~~respondents~~ respondents to implement the reservation roster according to rules laid down ⁱⁿ G.I., Dept., of Fer. & Trg., O.M.No.36012/37/93-Estt. (SCT), dated 19-8-93 and declaring that the in-action on the part of the respondents in not posting him either to Hyderabad or Guntur is illegal.

5. It is not the practice in the Government to give the ^{of} extract/roster register. The applicant is at liberty to see the roster register by approaching the authorities who maintain^s the said roster register. The applicant should contact the officers concerned at the appropriate station to find out the filling up the post of Pay and Accounts Officer in the senior scale as per roster.

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He may also check whether any roster point for his community has been over-looked by the respondent organisation. If so he may submit a detailed representation in this connection. As the applicant has not brought out in the OA in regard to the omission of roster point which ^{will} affect him, it is not possible for us to give any direction in this connection, except directing the applicant to examine the roster register by approaching the ~~proper~~ proper officer and submit a detailed representation in case he has been harmed by not following the roster point.

6. The applicant had submitted a representation for posting him as Pay And Accounts Officer in the senior scale either at Hyderabad or Guntur. Normally, the request transfer and for posting at particular place is registered and on the basis of the registration or on the basis of the seniority of the employee ~~rendered for a particular posting~~ ^{at the place & date} the posting orders are issued. It is stated that there are four officers above him who have ^{also} opted for Hyderabad and Guntur. Since they could not be accommodated, the respondents submit that the case of the applicant had not arisen for posting him either at Hyderabad or Guntur and his case will be considered for posting in those two stations when his turn ^{comes} ~~arise~~ and ^a ~~vacancy~~ ^{is} also available. The applicant himself ^{is} responsible for not promoting him earlier ^{when} ~~if~~ his turn had come in view of the fact that he had requested promotion and posting only at Hyderabad or Guntur. Hence he has to wait for his turn.

7. Now the learned counsel for the applicant submits that the applicant is willing to go anywhere in India on promotion as Pay and Accounts Officer. If so the applicant should immediately submit detailed representation for posting him in his turn when the vacancy arise in future anywhere in India. That representation

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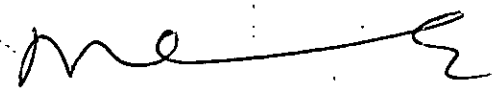
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should be submitted to the appropriate authority within^a fortnight from the date of receipt of a copy of the judgement. If such a representation is received for posting him anywhere in India and not only at Guntur and Hyderabad the appropriate appointing authority to the post of Pay and Accounts Officer in the senior scale in the department should consider his representation and posting him on his turn ~~and~~ as and when vacancy arises anywhere in India.

8. The applicant should also be informed of the position in regard to his posting expeditiously^{but} in any case within two months from the date of receipt of his representation. The respondents ^{approximate} ~~may~~ ~~can~~ ~~promptly~~ indicate the time by which he is likely to be promoted in view of the fresh representation to be submitted. The respondents should also show him the roster register without fail when he approaches the appropriate authority.

9. With the above direction the CA is disposed of.
No costs.

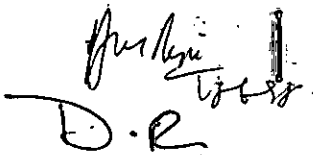

(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)


(R. RANGARAJAN)
MEMBER(ADMN.)

15.6.98

Dated : The 15th June, 1998.
(Dictated in the Open Court)

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D.R.

DA.1482/95

Copy to:-

1. The Controller-General of Accounts, Min. of Finance, Dept. of Expenditure, Lok Nayak Bhavan, 7th Floor, Khan Market, New Delhi.
2. The Controller of Accounts, Ministry of Water Resources, Sastry Bhavan, 'E' Wing, New Delhi.
3. One copy to Mr. P. Rathaiah, Advocate, CAT., Hyd.
4. One copy to Mr. K. Ramulu, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 16/6/98

~~ORDER/JUDGMENT~~

M.A/R.A/C.P.NO.

in

O.A.NO. 1482/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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