

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT AT GWALIOR

Original Application No. 524 of 2001

Gwalior this the 26th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Hari Shankar Sharma S/o
Late Shri Jwala Prasad Sharma
Age 58 years, Occupation Service
Section Officer(Adhoc)
I.T.A.-9.(Internal Test Audit)
A.G.M.P. A& EII, Gwalior

APPLICANT

(By Advocate - Shri S.C. Sharma)

VERSUS

1. Union of India
Through :- Comptroller & Auditor General
of India, Bahadur Shah Zafar Marg,
New Delhi.
2. Principal Accountant General, MP
A& E-I Lekha Bhawan, Jhansi Road,
Gwalior.
3. Senior Accounts Officer,
Administration-I,
Office of the Principal, Accountant
General A& E-I, M.P. Lekha Bhawan,
Gwalior.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

ORDER

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the
following main relief, :-

"(i) the impugned order as contained in Annexure A/9 dated 21.9.98 may kindly be quashed and the Respondents be directed to give the benefit of special pay to the applicant of Rs.40 + 30 (now revised Rs.140/- p.m.) from the date of passing the S.O.G. Examination in December, 1990 till date of promotion as Section Officer(Ad-hoc) or the Respondents should consider the case of the applicant for the promotion to the post of Assistant Accounts Officer from the date of his passing his S.O.G. Examination."

2. The brief facts of the case are that the applicant was initially appointed as Auditor in the Office of the Accountant General Madhya Pradesh, Gwalior on 1.12.1966. Subsequently, he was promoted as Senior Auditor in the pay scale of Rs.1400-2600 in 1973. He was further promoted to the post of Supervisor in the pay scale of Rs.1640-2900 vide order dated 27.3.1989.



While the applicant was holding the post of Supervisor, with due and prior permission of the respondents, he was allowed to appear in the Section Officer Grade Examination (for short 'SOG Examination') and he passed the same in December, 1990. In view of Govt. of India, Ministry of Finance letter dated 2.9.1979 he became entitled for the special pay of Rs.40 + 30 (now revised to Rs.140/-) which was permissible to the officers who have passed the SOG Examination till the date of promotion as Section Officer, but the department did not allow the applicant the benefit of special pay despite of his several representations. The applicant has also been promoted to the post of Section Officer (adhoc) same vide order dated 14.8.1997 in the pay scale of Rs.1640-2900, which he was holding as Supervisor since 27.3.1989. The grievance of the applicant is that neither he was promoted as ² ~~Section Officer~~ Assistant Accounts Officer nor he was extended the benefit of Special pay for passing the SOG Examination. He made various representation to the authorities for considering his case. However, vide impugned order dated 21.9.1998 the respondents have rejected his claim on the ground that the special pay would have been admissible to the applicant only if he would have opted for the lower scale of Senior Accountant. Aggrieved by this, he has filed this OA claiming the aforementioned reliefs.

3. The respondents in their reply have stated that the post of Supervisor on which the applicant was posted on 27.3.1989 is a selection post, which is filled up by promotion of Senior Accountants ~~or~~ Accountants. The post of Supervisor carries the scale of Rs.5500-9000 (pre-revised Rs.1640-2900). The analogous post of Section Officer is also a selection post carrying identical scale of pay. The post of Section Officer is filled up by way of promotion from departmental candidates who pass the SOG Examination conducted by the Comptroller & Auditor General of India (for short 'CAG'). The posts of Supervisors and Section Officers carry identical time scale of pay of Rs.5500-9000 and are classified as Group-B (non-gazetted). The only difference is that SOG qualified persons are posted as



Section Officers, whereas the non-qualified persons working as Accountants/Senior Accountants are posted as Supervisors. The ratio of number of posts as Section Officers and Supervisors is 80:20. The Section Officers are further eligible to be promoted on the posts of Assistant Accounts Officers (Group-B -Gazetted) whereas the Supervisors, since they have not qualified the SOG Examination, do not have further promotional avenues. Para 9.2.6 of the CAG's MSO (Administrative) Vol-I provides that Supervisors are eligible to sit for the SOG Examination, subject to the condition that in the event of their passing the SOG Examination, they will have to seek reversion in writing to the post of Senior Accountants, at the time of their promotion as Section Officer. The Accountants/Senior Accountants, on passing the SOG Examination are entitled to special pay and this special pay is counted for the purpose of fixation of pay on initial fixation of pay on promotion. Thus, the Accountants/Senior Accountants awaiting promotion in higher scale of Section Officers cadre are eligible for this special pay and not the Supervisors who are already working in the higher scale of the Section Officer. Further, the Section Officers having completed one year of service in the grade and Assistant Accounts Officers are eligible to appear in the Incentive Examination for Section Officers/Assistant Accounts Officers. The Supervisors are not eligible to appear in this Examination.

3.1 As regards the applicant is concerned, the respondents have stated that he was working as Senior Accountant and did not pass the SOG Examination (previously known as SAS Examination). On 27.3.1989 he was promoted as Supervisor in the scale of Rs.1640-2900. He requested to appear in the Incentive Examination for Section Officers/Assistant Accounts Officers, but as the Supervisors are not eligible to appear in that Examination, he was thus not allowed. Since the Supervisors are eligible to write the SOG Examination, the applicant was allowed to appear in this examination held in December, 1990 in which he was declared successful. His name for promotion on the post of Section Officer was kept in the waiting list for want of vacancies in the Section Officer cadre. Meanwhile



the CAG created some posts of Section Officer (adhoc) to be deputed on computer related duties and thus the applicant was promoted/redesignated as Section Officer (adhoc) w.e.f. 14.8.1997. The applicant after passing the SOG Examination in December, 1990 requested to sanction him the special pay as mentioned above. Since the special pay is admissible to Accountant/Sr. Accountants awaiting promotion as Section Officer, the applicant was denied of this special pay as he was not working as Accountant/Senior Accountant and was already working in the higher scale of Rs.1640-2900 as Supervisor.

4. Heard the learned counsel of both sides. We have given careful consideration to the rival contentions.

5. We find that the applicant has earlier not passed the SOG Examination and was promoted to the post of Supervisor which carry the same identical pay scale as that of Section Officer. Subsequently he has passed the SOG Examination. The applicant continued to work in the scale of Rs.1640-2900 i.e. in the same pay scale of Supervisor. As per the provisions of Para 9.2.6 of the CAG's MSO (Administrative) Vol-I the Supervisors are eligible to sit for the SOG Examination subject to the condition that in the event of their passing the SOG Examination, they will have to seek reversion in writing to the post of Senior Accountants, at the time of their promotion as Section Officer. In this case either of the parties has not stated that the applicant has sought reversion to the post of Senior Accountants at the time of his promotion as Section Officer. The benefit of special pay is admissible to the Accountants/Senior Accountants on passing the SOG Examination and this special pay is counted for the purpose of fixation of pay on initial fixation of pay on promotion. Thus, only the Accountants and Senior Accounts awaiting promotion in higher scale of Section Officers cadre are eligible for this special pay and not the Supervisors who are already working in the higher scale of Section Officer. As the applicant was already working on the post of Supervisor and he had not sought any reversion at the time of his promotion as Section Officer, he is not entitled to get the benefit of special pay as he has not fulfilled the conditions laid down

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in Para 9.2.6 of the CAG's MSO (Administrative) Vol-I, and he was not working as Accountant/Senior Accountant and awaiting his promotion to the post of Section Officer. Since he was already holding the post of Supervisor in the identical scale of Section officer he did not seek any reversion and, therefore, he is not entitled for the benefit of special pay. The conditions for eligibility for grant of special pay is that when a person is working in the post of Accountant/Senior Accountant and has passed the SOG Examination and is awaiting promotion to the grade of Section Officer, then he is entitled for the benefit of special pay. The Supervisors are eligible to sit in the SOG Examination subject to the condition that in the event of their passing the SOG Examination, they will have to seek reversion to the post of Senior Accountants at the time of their promotion as Section Officer. In the instant case these conditions are not fulfilled and there was no monetary loss to the applicant as he was already enjoying the pay scale of Section Officer since 1989 till his retirement. Therefore, he is not entitled to get any relief in this OA.

6. In the result, for the reasons stated above, this O.A. has no merit and is accordingly dismissed, however, without any order as to costs.


(A.K.Bhatnagar)
Judicial Member


(M.P.Singh)
Vice Chairman

rkv.

पृष्ठांकन सं. ओ/व्या.....जलानपुर, दि.....
दिनांक.....
(1) व्या. अ. क. भट्टनगर, जलानपुर
(2) व्या. म. प. सिंह, जलानपुर
(3) व्या. प. शंकरान, जलानपुर
(4) व्या. प. शंकरान, जलानपुर
सूचना द्वारा उपराज्यकार्यालय, जलानपुर
SC Shantaram
P. Shantaram
उप रजिस्ट्रर


Fees paid
on 10/09/09