

02.09.2009

OA No. 292/2005 with MAs 185/2008 & 346/2008

Mr. S.K. Vyas, Counsel for applicant.

Mr. Vikas Jain, Proxy counsel for

Mr. Sanjay Pareek, Counsel for respondents.

On the request of the proxy counsel appearing on behalf of the applicant, let the matter be listed for hearing on 23.09.2009. It is made clear that no further adjournment will be granted on that date.

(B.L. KHATRI) (M.L. CHAUHAN)
MEMBER (A) MEMBER (J)

23.09.2009

OA No. 292/2005 with MAs 343/2006, 285/2008,
346/2008

Mr. S.K. Vyas, Counsel for applicant.

Mr. M.S. Raghav, Proxy counsel for

Mr. Sanjay Pareek, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the case is disposed of.

(B.L. KHATRI) (M.L. CHAUHAN)
MEMBER (A) MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd September, 2009

ORIGINAL APPLICATION NO. 292/2005

With

MISC. APPLICATION NOS. 343/2006, 285/2008 AND 346/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Subhash Chandra Goyal son of Shri Moti Lal Goyal, aged 48 years, presently employed as Senior Accountant in the Office of the Accountant General (A&E) Rajasthan, Jaipur, resident of 74/8, Paramhans Marg, Mansarovar, Jaipur.
2. Madan Mohan Agrawal son of Shri Kailash Chand Gupta, aged 43 years, presently employed as Senior Accountant in the Office of the Accountant General (A&E) Rajasthan, Jaipur, resident of 1A 68, Shivshakti Colony, Shastri Nagar, Jaipur.
3. Brijendra Kumar Sharma son of Shri Kewal Krishen Sharma, aged 37 years, presently employed as Senior Accountant in the Office of the Accountant General (A&E) Rajasthan, Jaipur, resident of 3 T 33, Krishnadeep, Jawahar Nagar, Jaipur.
4. Tara Chand son of Shri Thakur Das, aged 37 years, presently employed as Senior Accountant in the Office of the Accountant General (A&E) Rajasthan, Jaipur, resident of 236 Rani Sati Nagar, Ajmer Road, Jaipur.
5. Mrs. Janki Nautiyal wife of Shri K.D. Nautiyal, aged 38 years, presently employed as Senior Accountant in the office of Accountant General (A&E) Rajasthan, Jaipur, resident of 44, Ram Nagar, Sodala, Jaipur.

.....APPLICANTS

(By Advocate: Mr. S.K. Vyas)

VERSUS

1. Union of India through Secretary to the Government of India, Department of Expenditure, Ministry of Finance, North Block, New Delhi.
2. Comptroller & Auditor General of India, 10 Bahadurshah Zafar Marg, New Delhi.
3. Accountant General (A&E) Rajasthan, Janpath, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. M.S. Raghav Proxy to Mr. Sanjay Pareek)

ORDER (ORAL)

The applicants have filed this OA thereby praying for the following reliefs:-

- "(i) The Comptroller & Auditor General of India may be directed to sanction number of posts to accommodate the applicants on the post of ad hoc Section Officer with effect from the dates their rights became due.
- (ii) The Accountant General (A&E) may be directed to promote first 4 left out awaitees against 4 posts irregularly retained since last 2 years notionally from the date they were sanctioned.
- (iii) That the Hon'ble Tribunal may grant such other relief as they may consider appropriate in the circumstances of the case."

2. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the respondents have categorically stated that pursuant to the earlier OA No. 183/2004 filed by the applicants, which was subsequently withdrawn as the grievance of the applicants was being settled administratively, the applicants have been granted promotion to the Section of Section Officer (ad hoc) in the pay scale of Rs.6500-10500 from 19.07.2005 or from the date of taking over of the charge of the post which ever is later. It is further stated that all the 5 applicants have been promoted vide order dated 19.07.2005 (Annexure R/1). Thus according to the respondents, the present OA does not survives now.

3. Learned counsel for the applicants submits that the grievance of the applicant is still subsisting in as much as the applicants are entitled to ad hoc promotion from the earlier date in terms of the policy decision, which has been placed on record subsequently by the respondents.

4. We have given due consideration to the submission made by the learned counsel for the applicant. The applicants have not specifically pleaded the violation of the policy decision taken by the respondents whereby certain number of posts was to be created in order to adjust the applicants and other similarly situated persons. The material has

been placed on record by way of MA and pursuant to the order passed by this Tribunal.

5. Learned counsel for the applicant submits that he may be permitted to withdraw this OA with liberty reserved to the applicants to agitate the matter regarding their ad hoc promotion from earlier date based on the policy decision taken by the respondents.

6. In view of what has been stated above, the present OA is disposed with liberty reserved to the applicants to agitate the matter regarding their promotion from back date pursuant to the policy decision taken by the respondents.

7. With these observations, the OA is disposed of with no order as to costs.

8. In view of the order passed in the OA, no order is required to be passed in MA Nos. 343/2006, 285/2008 and 346/2008, which are also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ