

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE TRIBUNAL

3rd July, 2009

OA No.242/2009

Present: Shri Bharat Saini, counsel for applicant

Heard the learned counsel for applicant.

For the reasons to be dictated separately the OA is
disposed of.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

mk

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA 242/2009

This the 3rd day of July, 2009

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. B.L. Khatri, Member (Administrative)

Lalit Mohan Sharma

S/o Shri Brij Mohan Sharma
aged 48 years,

R/o Plot No.67 Tara Nagar -A
Jhotwara, Jaipur working as
Clerk in the office of A.N. Jaipur

JAIPUR Applicant

(By Advocate: Shri Bharat Saini)

- Versus -

1. The Comptroller and Auditor General of India,
Indian Audit and Accounts Department, 10, Bahadur
Shan Jaffar Marg, Inder Prasth Estate , New Delhi
2. The Principal Accountant General (Civil Audit), A.G.
Office, B.D. Road, Near Statue Circle ,
Jaipur Respondents

ORDER (Oral)

The applicant has filed this OA against the order
dated 16.6.2008 whereby his representation dated
10.6.2008 has been rejected by the competent authority on
the ground that there is no provisions in the rule to grant 3
grace mark therefore his request cannot be acceded to. This
is the order which is under challenge. As can be seen from
the grounds raised in the OA and contentions raised before

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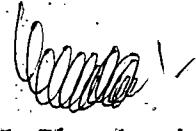
us, the case of the applicant is that he has qualified paper I i.e. Government of India Accounts Regulation which consists of Group "A" & "B" and he has obtained 41% thus he could not have been reverted from the post of Auditor on the ground that he has not passed paper I. This was not plea taken by the applicant before the competent authority and the respondent has not examined the matter in that perspective. As such it can not be said that the case of the applicant has wrongly been rejected vide Annexure A/2, in the absence of aforesaid plea which was never raised before the competent authority.

In view of what has been stated above, we are of the view that this OA can be disposed of at this stage with liberty reserved to the applicant to make fresh representation to the competent authority in the light of contentions as noticed above and the decisions rendered by this Tribunal in OA.50/2000 in the case of **Suresh Verma Vs. The Comptroller and Auditor General of India** decided on 20th September, 2001 within a period of two weeks. In that eventuality, the competent authority will pass reasoned and speaking order within a period of six weeks from the date of receipt of such representation. In case the applicant is still aggrieved it will be open for him to file fresh OA.

With these observations made hereinabove, the present OA is disposed of at the admission stage.


(B.L. Khatri)
Member (Administrative)

mk


(M.L. Chauhan)
Member (Judicial)