

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 183 of 1994.

Date of Order : The 22nd Day of November, 1994.

Divisional Accountants' Association
Tripura, Manipur, Arunachal Pradesh,
Agartala represented by its General
Secretary, Sri Tapan Chandra Das

Applicant

- Versus -

Union of India & Ors.

... Respondents

For the Applicant : Mr S. Chakraborty, Advocate.

For the Respondents: None present.

C O R A M

Justice Shri M.G. Chaudhari, Vice-Chairman.

Shri G.L. Sanglyine, Member (Administrative).

O R D E R (At Agartala)

(For admission)

Although we had issued notice to the respondents before admission and to show cause as to why interim relief should not be granted in the event of the application being admitted the respondents have not shown any cause. None is present for them today. We have therefore heard Mr Chakraborty, the learned counsel for the applicants for admission of this application.

2. After having gone through the impugned Memorandums Annexure-B and Annexure-C issued by the Senior Deputy Accountant General (A&E) dated 20.10.93 and 20.6.94 we do not find that they give rise to any cause of action to seek legal remedy from this Tribunal. Annexure-B introduces a new system in the department under which all Divisional Accountants/Accounts Officers have to apply for allotment of new G.P.F Account number from the State Accountant

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General/Director of Accounts of the State under whose jurisdiction the Division in which they are working is located and to contribute their GPF subscription through the pay bill against the new account number from the next accounting year. It also provides that on receiving the allotment of new GPF account number the Divisional Accountant/ Divisional Accounts Officer should apply to the authority who hitherto maintained his G.P.F account for transfer of the balance at his credit in the old account number to the newly operative account number. It also provides that in future also on transfer of the officer from one State to another State similar action may be taken. Annexure-C has been issued in continuation of the aforesaid memorandum containing instructions for giving effect to the system introduced by the memorandum dated 20.10.93. Under both the memorandums provision has been made for transfer of balance from old account number to new account number as per instructions issued vide circular No.DA Cell/109 dated 20.10.93.

3. It appears that prior to introduction of the new system the system prevalent was regulated by memorandum dated 24.2.81 under which the GPF account of all qualified ^{ants} Divisional Accountant was being maintained by the Pay and Accounts Officer's unit of the office of the Accountant General of Assam, Meghalaya etc., Shillong.

4. The application has been filed by Divisional Accountants Association, Tripura, Manipur, Arunachal Pradesh through its General Secretary. The members of the Association are stated to be adversely affected by the memorandums

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Annexure-B and C. The Association prays that the same may be set aside and quashed and seeks a direction to the respondents not to give effect to the same.

5. We are unable to appreciate as to how any legal right of the applicants can be said to have been violated by reason of the impugned Memorandums. We also do not find any legal injury caused to them by reason of introduction of the new system which was felt by the respondents to be more convenient for smooth administration and possibly with the object of facilitating the transfer of balance lying to the credit of an officer at different places owing to his frequent transfers. How to carry out the administration of a department of the Government is the function of the Government and not of the Tribunal. We cannot therefore interfere with the steps taken administratively by the respondents under Annexure-B and C.

6. The applicants contend that the decentralisation of the accounts is grossly unreasonable, unjust and improper and would cause undue hardship to them besides being grossly arbitrary. They allege that it violates Article 14 of the Constitution. However entertaining such grievance does not make an order unreasonable, unjust or improper unless actual prejudice is shown to have been caused or is likely to occur. We do not think that such a case exists on the frame of the application. Some amount of inconvenience even if is required to be suffered by the applicants by reason of the decentralisation of accounts, it would not amount to an illegal or unreasonable action of the

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respondents within the meaning of law.

7. Another grievance of the applicants is that their explanation has been that usually there is gross delay in transferring the balance from the GPF account of an officer from the place from where he is transferred to the place of his transfer and that causes undue hardship to the officer. This is a grievance about the alleged malfunctioning of the department and not a grievance based on the violation of any legal right. That apart both the memorandums namely, Annexure-B and C make a clear provision for transfer of balance from old account to new account and there is no reason to assume that those provisions will not be followed by the department concerned. Consequently we find no good ground to admit the application.

8. At this stage the learned counsel for the applicants on instructions of the General Secretary of the applicants who is present, prays for withdrawal of the application without prejudice to the right of the applicants to approach the Tribunal in the event of any legal grievance if arises in future as a result of implementation of the new system under Annexure-B and C. We think that the request is reasonable and may be granted.

9. We do not enter into the aspect as to whether in the absence of a resolution of the Association being placed on record or it being shown that the Association is a recognised Association and represents all the Divisional Accountants and further in the absence of any prayer for filing the application in a representative capacity on

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behalf of more than one person the application is not maintainable. Had we found merit in the application we would have given an opportunity to the applicants to remove these defects but such occasion however has not arisen. Hence, following order :

We earnestly hope that the respondents will take effective steps to transfer the balance from old account number of the members of the Association to the new account when opened within a reasonable time and without undue delay on the requisite application for the purpose being made by the concerned officer.

10. Subject to above observation, the application is allowed to be withdrawn without prejudice to the right of the applicants to approach the Tribunal in respect of any future cause of action if arises by reason of implementation of Annexures-B and C.

Samji
MEMBER (A)

MEMBER (A)

Uchchandharu

VICE CHAIRMAN