

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

This the **01st** day of **November, 2018.**

**HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A).
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J).**

Original Application Number. 330/00891/2018.

1. Ahmad Wasif aged about 46 years, Son of Sri Mohd. Ateeq, R/o 40, N/4N, Naya Purva, Kareli, Allahabad.
2. Vinet Srivastava, aged about 47 years, S/o Late G.C. Srivastava, R/o 18 E/4, Karamat Ki Chowki, Kareli, Allahabad.
3. Alok Kumar Srivastava, aged about 45 years, S/o Late G.S. Srivastava, R/o 28-B, New Basti, Allapur, Allahabad.
4. Ajay Krishna Mishra, aged about 47 years, S/o Late Jaleshwar Nath Mishra, R/o 35/25-A/1/3, Darbhanga Castle, Panna Lal Road, Allahabad.
5. Ramesh Chandra, aged about 44 years, S/o Shri Dukkhi Prasad, R/o 62/iii, Kendranchal Colony, Begam Sarai, Allahabad.

.....Applicants.

VE R S U S

1. Union of India through Secretary, Ministry of Finance, New Delhi .
2. The Comptroller & Auditor General of India, 9, Deen Dayal Upadhyay Marg, New Delhi.
3. The Principal Accountant General (G & SSA), U.P. Dayanand Marg, Allahabad.
4. The Deputy Accountant General (Administration), O/o The Principal Accountant General (G & SSA), U.P. Allahabad.

.....Respondents

Advocate for the applicants : Shri S.J. Ishtiyaq
Advocate for the Respondent : Shri R.K. Rai

ORDER**(Delivered by Hon'ble Mr. Gokul Chandra Pati, A.M)**

The applicants have grievance regarding relaxation of 22 days which became short fall for considering their eligibility for promotion to the post of Senior Audit Officer. Learned counsel for the applicants submitted that the Comptroller & Auditor General of India (in short CAG) is the competent authority to relax the short fall as has been done earlier in similar cases .

2. On the other hand, learned counsel for respondents submitted that the approval of the Head Office has been taken as indicated in the impugned order dated 11.05.2018 before rejecting the representation of the applicants in this regard.
3. We have perused the order dated 11.05.2018, which does not mention as to whether the approval of the respondent No. 2 / competent authority has been taken before rejecting the representation of the applicants.
4. Having regard to the above, the OA is disposed of with liberty to the applicants to file a fresh representation addressed to the respondent No. 2 / competent authority through proper channel indicating the justifications for their case, as mentioned in the OA and citing the details of similar cases where the relaxation has been granted by the respondents within 10 days from the date

of receipt of certified copy of this order. If such a representation is received in time, as indicated above, then the respondent No. 2/competent authority shall consider the same taking into account the fact that similar relaxation has been granted to the employees in past and other grounds mentioned in the representation and pass a reasoned and speaking order within a period of six weeks from the date of receipt of said representation under intimation to the applicants. In the meantime, any promotion to be carried out by the respondents will be subject to decision of respondent No. 2 / competent authority on the representation of the applicants, as stated above.

5. The OA is disposed of accordingly. No costs.

6. It is made clear that we have not expressed any opinion of merits.

MEMBER- J.

MEMBER- A.

Anand...