

Reserved
CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: INDORE

Original Application No.201/01082/2016

Indore, this Tuesday, the 13th day of March, 2018

HON'BLE SHRI UDAY KUMAR VARMA, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Veerendra Kumar Dalal,
Aged 65 years,
R/o Flat-303,
Victoria Urbanebuilding,
12 Park Road,
Occupation Pensioner & Advocate,
Vallabh Nagar,
Indore-452003, Mobile-8982301408

-Applicant

(Applicant present in person)

V e r s u s

The Comptroller & Auditor General of India,
9 Deen Dayal Upadhyay Marg,
New Delhi-110124

- Respondent

(By Advocate –None)

(Date of reserving the order:-12.03.2018)

O R D E R

By Uday Kumar Varma, AM

This Original Application has been filed by the applicant seeking quashing of the communication dated 20.06.2016 issued by the Office of Comptroller and Auditor General of India and addressed to all the Heads of the Department in IA & AD. There is

a further prayer that this circular may be directed to be amended to the effect that the date of passing Section Officer Examination may be taken as his appointment as A.A.O. for the purposes of granting ACP/MACP lastly that the applicant may be given the benefit of this amendment in the rules as stated above.

2. The applicant joined the Office of Comptroller and Auditor General in September 1977 as Auditor and was subsequently redesignated as Accountant when the designation of Auditor and Accounts took place in his parent organization. He was promoted as Senior Accountant on 01.04.1987 and subsequently was further promoted as Section Officer on 15.03.1995. He was given 3rd MACP on September 2008 and eventually he retired in 2013. The applicant contends that he had cleared the departmental examination which is pre-requisite for the promotion to the post of Section Officer in November 1989 and he claims that for the purposes of grant of ACP/MACP his promotion as Section Officer should be deemed to be from the date he passed this examination i.e. November 1989, and not the date of actual promotion as Section Officer i.e. 15.03.1995.

3. The respondents in this case have neither filed their reply nor have they been present on past several dates and even today when

hearing was taken up. On the last date of hearing i.e.11.12.2017, the following order was recorded:-

*“Applicant is present in person.
None for the respondents.”*

It is seen that Shri M.K.Sharma, learned counsel appeared on behalf of the respondents in the hearing on 01.05.2017.

It has been more than one year and the reply has still not been filed and there is no representation on behalf of the respondents.

It is made clear that if the counsel for the respondents is not present during the next date of hearing, the case will be heard and decided ex-parte by exercising our powers under Rule 16 (1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

List the matter for orders on 12.03.2018 during the next Circuit Court Sitting at Indore.

Issue certified copy of this order to the respondents as well as the counsel for the respondents.”

4. In view of the above, the matter was taken up today and as the respondents are not present nor any reply has been filed by them, the matter has been heard ex-parte under Rule 16(1) of the Central Administrative Tribunal (Procedure) Rules, 1987 as directed on the previous date of hearing.

5. At the time of oral hearing, the applicant placed before us a copy of letter dated 22.06.2017 issued from the Office of Controller General of Defence Accounts addressed to PCA (Fys.)

PCsDA/CsDA. The contents of this letter implies that the appointment made on the basis of Limited Departmental Examination cannot be treated as direct recruitment and the orders of C & AG dated 20.06.2016 is not consistent with the instructions of the Government. The applicant argues that the letter brings the validity of the letter dated 20.06.2016 in serious question. Therefore, the contents of the letter dated 20.06.2016 particularly in Para 2 needs to be amended. In other words, what he seeking is that he may be given the benefit of ACP/MACP from the date he cleared his departmental examination for the purposes of promotion to the post of Section Officer which was in November 1989 in the light of letter dated 22.06.2017. However, he has been unable to demonstrate the connection between the contents of the circular and the relief he has claimed. His other relief that circular dated 20.06.2016 should be amended, has not been supported by any credible argument. The letter issued by another organization namely Controller General of Defence Accounts which questions the contents of C & AG circular on the issue of treating the Limited Departmental Examination candidates as direct recruitments cannot be deemed to mean that promotion to the Section Officer should be given from the date of passing of the exam. Despite our very sincere efforts we are unable to find the credible connection

between the documents which he has appended with the O.A. dated 20.06.2016 and one document dated 22.06.2017 which he produced at the time of hearing.

6. We are unable to find on record any document/letter or any instructions or rules in this regard which in any manner supports his claim of his eligibility to be considered for ACP/MACP from the date he cleared the S.O. examination in 1995.

7. By his own admission, at the time of oral hearing, the applicant has got two promotions and one MACP in his service career, which is in consonance with the scheme of career progression applicable to Central Government employees.

8. Given the above facts and circumstances, we do not have any other option but to dismiss this Original Application as being bereft of any merits. Accordingly, this Original Application is dismissed. There shall be no order as to costs.

(Ramesh Singh Thakur)
Judicial Member

(Uday Kumar Varma)
Administrative Member

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