IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.11.2019

Pronounced on : 23.01.2020

CORAM :

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

Rev.Aplw No.210 of 2019 in WP.No.5978 of 2019
and WMP.No.33180 of 2019

1.Jayanthi Siva
2.K.Amirthalakshmi
3.R.Ramyaa Perundevi
4.Vrinda Sundar ... Petitioners

-Vs-

1.Union of India,
Rep. by the Comptroller and Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2.The Central Administrative Tribunal,
Madras Bench,
Rep. by Registrar,
City Civil Court Building,
High Court, Madras.

3.The Senior Deputy Accountant General(Admin),
O/o the Accountant General(A & E),
Chennai – 600 018. ... Respondents

Prayer :- Review Petition filed under Order 47 Rule 1 and Article 226 of the Constitution of India, r/w. Section 114 of CPC., to review the order dated 26.09.2019, passed in W.P.No.5978 of 2019.

For Petitioners : Ms.L.Maithili

ORDER

[Order of the Court was made by N.SESHASAYEE, J.,]

This review petition is filed by a set of petitioners in W.P.No.5978/2019 alone, to review the order of dismissal passed by this Court, Vide its common order dated 26.09.2019 in WP.Nos.5978 of 2019 and W.P.No.7472 of 2019.

2. The facts in this case can be outlined briefly as below:

- The petitioners were working as Senior Accountants, in the Accounts Stream, in the Office of the Accountant General, and the issue they have raised is regarding their promotion to the next level in the promotional channel (Section Officer). There are two streams of service in the Office of the Accountant General, one is the Civil Accounts Wing, and the other is the Civil Audit Wing, and that each wing has got their respective promotional channel in their respective streams.

- The next level of promotion of the petitioners is the Section Officer and it is now renamed as Assistant Accounts Officer (Adhoc), for which they have to pass two qualifying examinations namely SOGE (Civil Accounts) and it comprises of Part-I and Part-II. The eptitioner herein had passed SOGE (Civil Accounts) Part I. For some years, SOGE (Civil Accounts) Examination Part -II was not conducted, and the petitioners hencethey could not take SOGE (Civil Accounts) Part II exams.

- While so, Vide circular of the first respondent dated 16.12.2003**,** those who have passed SOGE (Civil Accounts) Part-II, are permitted to take SOGE (Audit) Part-II examination for their eventual absorption in the Civil Audit stream. And, the petitioner herein have passed SOGE (Audit) Part-II Examination. They thereafter, challenged the Departments stance that those who pass SOGE (Audit) Part II exam would not be entitled for consideration for promotion in SOGE (Civil Accounts) stream. It was, now judicially resolved that those who pass SOGE (Civil Audit) Part-II will have the effect of passing SOGE (Civil Account) Part-II, and the petitioners were given promotion retrospectively.

- This retrospective promotion later came to be reversed by the impugned proceedings of the third respondent dated 20.11.2017. This proceeding was unsuccessfully challenged by the petitioners before the Central Administrative Tribunal (Madras Bench), in

O.A.No.1931/2017 and O.A.No.1862/2017, and this was challenged by them in W.P.No.5978 of 2019 and W.P.No.7472 of 2019. This Court, Vide its order dated 26.09.2019, dismissed both the writ petitions. In negating the petitioners' claim, this Court laid emphasis on a circular dated 25.03.2009. The petitioners in W.P.5978 of 2019, are now before this Court to review the said order.

3. The learned counsel for the petitioners submitted, in the impugned order dated 26.09.2016, in paragraph No.11, the above referred circular dated 25.03.2009 is mentioned as 25.03.2003. There, in fact, is no such circular dated 25.03.2003, and this has affected the final outcome of the order of this Court and sought a review.

4.1 This Court went through its entire order, and found that the said circular has been correctly dated in paragraph Nos.4, 5, and in the first part of paragraph No.6. Only in the second part of paragraphs 6, 7.2, 8, 9 and in paragraph No.11, the date is mentioned as 25.03.2003. This is chiefly an inadvertent typographical error. Since what is relied on primarily by this Court is the substance of Circular No.16 dated 25.03.2009, which this Court has extracted in Paragraph No.9 of its Order. In these circumstances, an error in mentioning the date by itself would not alter the conclusion already arrived by this Court.

4.2 This Court also incidentally spotted another inadvertent error in

Paragraph No.9, immediately after the extracted portion of the circular dated 25.03.2009 i.e., at the end of the first sentence (6th line), instead of circular dated 12.08.2003, it is mentioned as 25.03.2003. The said sentence should now read as :

> *" In this scenario, if the Common Order of the Tribunal in O.A.775/2009 and 830/2009 is turned to, the question before the Tribunal was to grant them promotion in the Accounts Wing by virtue of their deemed pass in SOGE (Accounts) as Adhoc Section Officer in terms of Circular dated **12.08.2003** and Circular No.16, dated 25.3.2009."*

5. The above stated errors have to be necessarily corrected. The Registry is now directed to correct the Circular dated 25.03.2003, as now appears in the latter part of Paragraph 6 its order dated 26.09.2019, and in Paragraphs 6, 7.2, 8, 9 and 11 to ***25.03.2009, and issue a fresh order copy to the Review petitioners.***

6. In the result, this review petition is dismissed and the order of this Court dated 26.09.2019, passed in W.P.No.5978 of 2019, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[M.S.N.J.,] [N.S.S.J.,]
23.01.2020

ds

Index : Yes /No
Internet : Yes / No

Speaking Order / Non-speaking Order

To:

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10, Bahadur Shah Zafar Marg,
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2.The Registrar,
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M.SATHYANARAYANAN,J.,
and
N.SESHASAYEE,J.,

ds

Pre-delivery Order in
Rev.Aplw No.210 of 2019
in WP.No.5978 of 2019

23.01.2020