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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14881/2023**

**ALL INDIA CIVIL ACCOUNTS OFFICER (SENIOR ACCOUNTS
OFFICERS AND PAY AND ACCOUNTS OFFICERS)
ASSOCIATION** Petitioner

Through: Mr. Ankur Chibber, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Harish Vaidhyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday, Mr.
Lakshay Gunawat and Mr. Krishnan
V., Advocates for UOI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

13.03.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 12.07.2023 passed by the learned Central Administrative Tribunal in O. A. No. 3694/2022. Vide the impugned order, the learned Tribunal has disposed of the original application filed by the petitioner by directing the respondents to take an expeditious decision in respect of the grievances of the petitioner as also qua the purported merger of grade of Pay and Accounts officer in pay level 9 with pay level 10 within a period of two months.

2. Learned counsel for the petitioner submits that while issuing



the aforesaid directions, the learned Tribunal has failed to appreciate that even if the aforesaid merger were to be approved by the nodal ministry, the petitioner would still be entitled to urge that promotion against vacancies to the post of Sr. Accounts Officer before the merger ought to have been carried out according to the then applicable recruitment rules. He submits that the learned Tribunal has failed to examine this aspect and has, in fact, adopted a shortcut method to dispose of the petitioner's original application by simply directing the respondents to take a decision within two months.

3. Learned counsel for the respondent is not in a position to deny the aforesaid submissions being made by the petitioner.

4. Having perused the impugned order and considered the submissions of the learned counsel for the parties, we find merit in the plea of the petitioner that the learned Tribunal, instead of deciding the petitioner's original application on merits, has simply directed the respondents to take a considered decision on the merger of Level 9 post with the Level 10 post within a period of two months. This course of action does not in any manner deal with the petitioner's claim that even if the aforesaid merger were to be approved by the nodal ministry, the petitioner would still be entitled to urge that promotion against vacancies to the post of Sr. Accounts Officer before the merger ought to have been carried out according to the then applicable recruitment rules.

5. This substantive claim of the petitioner, we find, has been left unaddressed by the learned Tribunal. We, therefore, have no other option except to set aside the impugned order and remand the matter



back to the learned Tribunal for fresh adjudication of the O.A. on merits.

6. The impugned order is, accordingly, set aside and the matter is remanded back to the learned Tribunal for fresh adjudication of the O.A. on merits.

7. List before the learned Registrar of the learned Tribunal on 15th April 2024 for further proceedings.

8. The petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 13, 2024

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