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

+ **CONT.CAS(C) 966/2013**

**ALL INDIA AUDIT & ACCOUNTS OFFICERS ASSOCIATION &
ORS** Petitioners

Through: Mr. Shrutanjaya Bhardwaj, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
along with Sh. Surendra Kumar,
Under Secretary, for UOI.
Dr. S. S. Hooda, Advocate for R-
2/CAG

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **28.04.2023**

CM APPL. 21393/2023

1. This is an application filed by the Petitioner seeking a direction to the Respondents, Department of Personnel and Training ('DOPT') to file an affidavit with respect to attendant benefits and service conditions ordinarily made available to Group-A posts.

2. It is stated by the learned counsel for the Petitioners that the necessity for seeking an affidavit from Respondents, DOPT has arisen on account of stand taken by Ministry of Finance, Department of Expenditure in its Compliance affidavit dated 26.08.2019 filed in these proceedings and more specifically at internal page 3, which reads as under:

3. *Para 7 & 8: That Hon'ble High Court, Delhi in para 19 of its*



judgment dated 17.09.2013 (W.P. (C) 2698/2013}, ordered to set aside the order of CAT judgment dated 10.12.2012, Central Govt. O.Ms. dated 11.04.2011, 17.06.2011 & 07.07.2011 and allowed classification of Sr. AOs as Group 'A' officers. The said judgment did not order to treat Sr. AOs as Group 'A' Service.

That Rule 8 of CCS (CCA) Rules, 1965 clearly distinguish between Group 'A' Service and Group 'A' post.

That further, Para 3 of DoPT O.M. No. 35034/3/2008-Estt. (D) dated 19.05.2009 (Copy Enclosed Annexure 2) regarding MAPS make distinction between Group "A" post with that of Group "A" Service which inter alia states "The scheme and shall be applicable to all regularly appointed Group " A" , "B" and 'C Central Government Civilian Employees except officers of the Organized Group "A" service".*

That the petitioners have not specified specific rules of Govt. of India which make Sr. AOs eligible for grant of time bound promotion & pay hike subsequent to classification of a post from Group B' to Group 'A'. Also the Petitioners have not mentioned what benefits has not been given and the guiding Rules thereof.

In IA & AD, apart from organized Group "A" service consisting of IA &AS, there are other Group "A" post(s) such as Principal Private Secretary/ Sr. Principal Private Secretary. Promotion to these posts are subject to vacancy in the cadre.

4. The learned counsel for the Petitioner also relies upon the order dated 04.07.2013 passed in W.P.(C) 2698/2013 to stress on the necessity of having a separate affidavit from DoPT.
5. Accordingly, the Respondent, DoPT is directed to file a separate affidavit limited to responding the averments made by Ministry of Finance, Department of Expenditure as reproduced in this order.
6. The learned counsel for the Respondent, DoPT states he seeks six (6) weeks' time to file his affidavit on account of the intervening summer vacation; however, he assures the Court that the affidavit will be filed between the time sought. It is ordered accordingly.
7. Response, if any, to the said affidavit be filed by the Petitioners within two (2) weeks thereafter.



8. With the aforesaid direction the application stands disposed of.
9. Mr S.S. Hooda, Advocate appears on behalf of CAG, that though he had appeared and advanced arguments on 21.02.2023, his appearance has inadvertently not been recorded in the proceedings. The said submission is taken on record.
10. List on 28.08.2023.

MANMEET PRITAM SINGH ARORA, J

APRIL 28, 2023/hp/ms