



**ALL INDIA CIVIL ACCOUNTS OFFICERS
(Senior Accounts Officers and Pay & Accounts Officers)
ASSOCIATION**

**(Recognised by Govt. of India as per CCS (RSA) Rules, 1993 vide CGA's letter
No. 23003/1/2020-NGE-CGA /270 dated: 29th August, 2022)
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Ajay Sood

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Kumar Ashish

Uttam Biswas

Ashok S Tripathi

Auditor-Rahul Butola

AICAOA/NEC/Promotion/2022-23/89

Date: 7th July, 2023

To,

The Controller General of Accounts

Mahalekha Niyantrak Bhawan,
E-Block, GPO Complex,
New Delhi.

**Sub: Promotion of Senior Accounts Officers to JTS Scale of
ICAS as per the existing Recruitment Rules in force. -
Regarding.**

Respected Sir,

I have been directed by the National Executive Committee of AICAOA to bring to your kind notice and request you to take immediate steps required for a matter of great concern regarding the long-pending promotion orders for eligible Senior Accounts Officers to the JTS Scale in the wake of existing Recruitment Rules. We have raised this issue earlier also vide letter no. AICAO/Promotion of Sr. AOs/Issues/2022-23/6 dated 13th October, 2022 but nothing happened since then. AICAOA appreciates your efforts to address outstanding concerns abiding by rules and regulations and hopes for a just approach to our issue.

2. O/o CGA Office, vide OM No. A-32014/1/2009/Misc/MFCGA(A)/ Gr.B/343 dated 31.10.2019, classified the post of Senior Accounts Officer (Pay Level-10) as Group 'A' in CCAS. However, no promotion orders for the qualified Senior Accounts Officers to be promoted to JTS Scale of ICAS have been issued since that time. It is really disappointing to inform you that even the senior most eligible Senior Accounts Officers retired on superannuation without receiving their legitimate and rightful promotion. As a result, they lost out on the higher pensionary benefits they had anticipated upon their promotion.

3. The Senior Accounts Officers of CCAS Cadre, who have spent more than 10 years in the grade of Senior Accounts Officers are impatiently expecting their well-deserved promotions. But the lack of promotion prospects has caused a significant level of demotivation among the officers, affecting their morale and commitment to their duties.

4. It is worth mentioning that the Department of Personnel and Training (DOPT), vide OM No. AB-14017/79/2006-Estt. (RR) dated 6th September 2007 (copy enclosed), has clearly outlined guidelines stating that promotion orders should be issued for eligible officers as per the existing Recruitment Rules (RRs) until the finalization and approval of new RR, if any.

5. According to the existing Recruitment Rules of ICAS (Group A), Senior Accounts Officers (Group B) with five years of combined service in the grade of Senior Accounts Officers and Pay & Accounts Officers are eligible for promotion as Assistant Controller of Accounts. DoPT's OM dated 06.09.2007 vide its Para No. 3 provisions that "*RRs are statutory and they will not cease to operate unless they are repealed*". RR of Senior Accounts Officer as Gr. 'B' have not been repealed so far and it exists very well. Recruitment Rules of Sr. AO as Group 'A' has still not be notified. As such, Senior Accounts Officer still falls under Gr. 'B' as per Recruitment Rules. There is no change in Recruitment Rules of ICAS (Gr. 'A') also. There is no change in eligibility of Sr. Accounts Officers for promotion as ACA also. Hence, it is unclear why eligible Senior AOs have been denied their legal promotion rights over the past three and half years despite the DoPT's crystal-clear rules.

6. While no promotion are being made to Sr. AO to JTS of ICAS, the direct recruitment to JTS of ICAS has been made in excess of 3% quota prescribed for DR in terms of DoPT letter No. I-11019/13/ 2015-CRD dated 21.01.2016 read with Para 4.9 of OM No. I-11011/16/2022/-CRD dated 30th September' 2022 issued by DoPT.

7. Therefore, in light of the DOPT guidelines and the existing RRs, it is imperative that promotion orders for Senior Accounts Officers of CCAS be issued without any further delay.

8. I kindly request your intervention in this matter to address the concerns of the Senior Accounts Officers of CCAS. Timely promotion not only recognizes their dedication and hard work but also boosts their morale and motivation to serve the department and the nation with greater enthusiasm.

Therefore, it is humbly requested to grant promotion to the eligible Senior Accounts Officers to the post of ACA (JTS Scale) from their due date of promotion in the light of the DOPT OM dated 6th September, 2007 at the earliest.

With high regards,

Yours sincerely,



Encl: As above.

(Kaushal Mishra)
Secretary General (AICAOA)

No. AB.14017/79/2006-Estt. (RR)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

New Delhi

Dated the 6th September, 2007

OFFICE MEMORANDUM

Subject:- Suggestion of one-time method of recruitment in special circumstances by the Union Public Service Commission – Clarification on.

Attention is invited to para 6 of this Ministry's OM No. 39021/5/83-Estt. (B) dated 9th July, 1985 communicating that where the Ministries/Departments are not in a position to make regular appointments for the reason that the recruitment rules therefor are still to be framed, they could make an immediate reference to the UPSC for deciding the mode of recruitment to the post alongwith their suggestions, and that on receipt of such a reference, the Commission would advise on the mode of recruitment and that the appointment made according to the advice given by the Commission would be treated as regular appointment. Based on the enabling provision as above, the Commission has till recently been suggesting one time method of recruitment in the following circumstances:-

- (i) When a new post is created and there is the necessity of filling the post urgently in the absence of Recruitment Rules;
- (ii) When existing RRs become inoperative on account of the same being inconsistent with the guidelines on educational qualifications, experience etc. laid down by the concerned agencies like AICTE, UGC and MCA;
- (iii) Where there is a change in the pay scales (based on the recommendations made by Pay Commission, etc.) resulting in change in qualifying service for consideration of officers for appointment; and
- (iv) Where RRs have been approved by the Commission and there is the likelihood of delay in notification.

2. The Supreme Court in Civil Appeal No. 6332 of 2005 – Union of India through Government of Pondicherry and Anr. Vs. V. Ramakrishnan and Others has made *inter alia* the following observations in its judgment passed on 7.10.2005:-

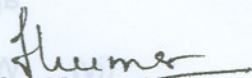
“ A rule does not become inoperative only because the UPSC says so. A rule validly made even if it has become unworkable unless repealed or replaced by another rule or amended, continues to be in force.”

“Valid rules made under proviso appended to the Article 309 of the Constitution of India operates so long the said rules are not repealed and replaced. The draft rules, therefore, could not form the basis for grant of promotion, when rules to the contrary is holding the field.”

3. The observations of the Apex Court have been examined in consultation with the UPSC. The stand of the Apex Court is unexceptionable as RRs are statutory and they will not cease to operate unless they are repealed. In this context, it has been decided that it will not be feasible or advisable for the UPSC to suggest one time method of recruitment in cases where Recruitment Rules exist even if they are perceived as unworkable. In such situations, the administrative Ministries/Departments will have to process necessary amendments required in the Recruitment Rules and, thereafter, initiate the recruitment process. Only where no Recruitment Rules exist or where the existing Recruitment Rules are repealed as per the prescribed procedure, the option of approaching the UPSC for one time method would, henceforth, be available.

4. The various administrative Ministries/Departments are requested to note the guidelines as above for compliance and ensure that no superfluous proposals for suggestion of one time method is referred to the Union Public Service Commission. Wherever Recruitment Rules have become inoperative for any reason whatsoever, immediate action to carry out necessary amendments, thereto, shall be taken, in consultation with the DOPT and the UPSC, wherever necessary.

5. Hindi version will follow.


(Smita Kumar)
Director

To

All Ministries/Departments of Government of India

Copy to:

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat, New Delhi.
5. The Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Union Public Service Commission, New Delhi.
8. The Staff Selection Commission, New Delhi.
9. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
10. Establishment Officer and Secretary, ACC (10 copies).
11. All Officers and Sections in the Department of Personnel necessary action
12. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
13. All Staff Members of National Council (JCM)
14. All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
15. Establishment (RR Division) (200 copies)


(S.J.Kumar)

Under Secretary to the Government of India