

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 045/00020/2021
& 045/00021/2021

Date of Order: This, the 7th April 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)

O.A. No. 045/00020/2021



1. Sri Ranajit Kumar Swain
Son of Sri Basudev Swain
Senior Accountant
Office of the Principal A.G. (A&E)
Arunachal Pradesh
J.N.K. Building E-Sector
National High Way 52A
Itanagar, Arunachal Pradesh
Pin – 791111.
2. Sri Ankaj Kumar
Son of Sri Ram Hari Prasad
Senior Accountant
Office of the Principal A.G. (A&E)
Arunachal Pradesh
J.N.K. Building E-Sector
National High Way 52A
Itanagar, Arunachal Pradesh
Pin – 791111.
3. Sri Uttam Kumar
Son of Sri Shiv Nath Prasad Chourasiya
Assistant Accounts Officer (Ad hoc)
Office of the Principal A.G. (A&E)
Arunachal Pradesh

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Pin – 791111.

... Applicants

By Advocates : Sri M. Chanda, U. Dutta, K. Abhinaba &
R. Medhi

- Versus -



1. The Union of India
Through the Comptroller and Auditor
General of India, 9 Deen Dayal
Upadhyaya Marg, New Delhi – 110124.
2. The Principal Accountant General (A&E)
Arunachal Pradesh
J.N.K. Building E-Sector
National High Way 52A
Itanagar, Arunachal Pradesh
Pin – 791111.
3. The Sr. Deputy Accountant General (Admn.)
Office of the Principal A.G. (A&E)
Arunachal Pradesh
J.N.K. Building E-Sector
National High Way 52A
Itanagar, Arunachal Pradesh
Pin – 791111.
4. The Principal Director of Audit
Industry and Corporate Affairs
A.G.C.R. Building, I.P. Estate
New Delhi – 110002.

...Respondents.

By Advocate: Sri R. Hazarika, Addl. CGSC

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1. Sri Sanjoy Mondal
 Son of Sri Pulin Behari Mondal
 Senior Accountant
 Office of the Principal A.G. (A&E)
 Arunachal Pradesh, J.N.K. Building E-Sector
 National High Way 52A
 Itanagar, Arunachal Pradesh
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2. Sri Vinay Kumar
 Son of Sri Yogendra Prasad Singh
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 Arunachal Pradesh, J.N.K. Building E-Sector
 National High Way 52A
 Itanagar, Arunachal Pradesh
 Pin – 791111.

3. Sri Anand Kumar
 Son of Sri Ram Singh
 Senior Accountant
 Office of the Principal A.G. (A&E)
 Arunachal Pradesh
 J.N.K. Building E-Sector
 National High Way 52A
 Itanagar, Arunachal Pradesh
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1. The Union of India
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4. The Principal Director of Audit
Industry and Corporate Affairs
A.G.C.R. Building, I.P. Estate
New Delhi – 110002.
5. Director General of Audit
Environment & Scientific Departments
Kolkata Branch, 6th Floor, 2nd MSO Building
Nizam Palace, 234/4 AJC Bose Road
Kolkata – 7000020.



...Respondents.

By Advocate: Sri R. Hazarika, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, MEMBER (J):-

These two cases i.e. **Nos. 045/00020/2021 and 045/00021/2021** are analogous and similar question of

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law and facts are involved. Thus, they are being examined, considered and decided by this common order.



2. At the outset of argument, Sri R. Hazarika, learned Addl. CGSC appearing for the respondents in both the O.A.s submitted that reliefs as sought for by the present applicants have since been granted by the respondents. Sri M. Chanda, learned counsel appearing for the applicants however, not agreed to the said submission of the Addl. CGSC for the respondents and submitted that in view of the interim order passed by this Tribunal on 22.01.2021, the respondents granted para 8.1 of prayer portion wherein the applicants prays for a direction upon the respondents to release them with immediate effect without any further delay. According to Sri Chanda, as an interim measure, this Tribunal on 22.01.2021 directed the respondent No. 4 i.e. the Principal Director of Audit, Industry and Corporate Affairs, New Delhi not to fill up at least 03 (three) posts of Assistant Audit Officers till disposal of the OA. According

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to Sri Chanda, there are no lapses on the part of the applicants but due to delay on the part of the respondents of releasing, the applicants could not join in their respective place of posting on deputation in time. Sri Chanda fairly submitted that if the applicants are absorbed in the Borrowing Department, their seniority will be effected along with consequential benefits of pay fixation. Hence consideration of the respondents is required.



3. In view of that, as para 8.1 of the prayer portion has since been considered by the respondent authorities and all the applicants got relieved, we deem it fit and proper to entertain the limited prayer made by the applicants in para 8.2 of prayer portion. Accordingly, we direct the applicants to submit this O.A. before the appropriate authority within a period of one month from the date of receipt a copy of this order so as to consider para 8.2 of prayer portion made in the O.A. for maintaining their seniority as well as consequential benefits if the applicants are absorbed.

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On receipt of such, the competent authority shall consider the case of the applicants in a judicious manner as well as in the interest of applicants' services and give benefits of pay fixation as has been fixed to the juniors of the applicants who have already joined earlier in view of the same order, within a period of three months thereafter.



4. With the above directions, O.A. stands disposed of. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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