

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 20101(T) WP(C) 1117/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....Pg. 1.....to 2
2. Judgment/Order dtd 22/6/2001.....Pg. 1.....to 5 *HO common order From 200(T) to 208(T) 01*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 201(T)/01 WP(C) 1117/2000.....Pg. 1.....to 27
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit *in app. & Interim Page 1 to 28*.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

High Court order sheet W.P.(C) 1117/2000 page 1 to 5

SECTION OFFICER (Judl.)

balita
7.12.07

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::::::::: GUWAHATI

ORDER SHEET

APPLICATION NO^{201/(I)}.....OF 2001.

W.P. (C) 1117/2000.

Applicant (S) *Habung Salim.*

Respondent (S) *UOI & ONS.*

Advocate for Applicants (s) *Mr. Tagia Miedia.*

Advocate for Respondent (s) *C&Sc.*

Notes of the Registry

Date

Order of the Tribunal

12.6.01

On request of the learned counsel
list
for the respondents this case along with
connected cases on 22-6-2001 for orders.

IC L Shaha
Member

[Signature]
Vice-Chairman

22.6.01

Heard counsel for the parties.
Judgment delivered in open court, kept
in separate sheets.

The application is disposed of
in terms of the order.

No order as to costs.

IC L Shaha
Member

[Signature]
Vice-Chairman

bb

17.7.2001

Copy of the Judgment has
been sent to the D/Sec. for
issuing the same to the L/As
for the parties.
UP

THE GAUHATI HIGH COURT

(High Court of Assam Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from
Civil Rule

27. P. (C)

No. 1117 of 2000

Appellant
Petitioner

Habung Lalin

Versus

union of India & Co.

Respondent
Opposite-Party

Appellant
For
Petitioner

Mr. Tagia Michi

Respondent
For

Opposite-Party

G.G.S.C.
G.A.A.P.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

8-3-2000

No representation. List it in Next week.

B/D

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
8.3.2000		BEFORE	
		THE HON'BLE MR.JUSTICE JN SARMA.	
		Heard Mr.T Michi, learned counsel for petitioner.	
		Let the records be called for.	
		Let a Rule issue calling upon the respondents to show cause as to why a writ should not be issued as prayed for; and/or why such further or other orders should not be passed as to this court may seem fit and proper.	
		Mr.PN Choudhury, learned CGSC accepts notice on behalf of respondents 1 and 2. Mr.H Roy, learned GA for Arunachal Pradesh accepts notice on behalf of respondents 3 to 6. Extra copies of the petition shall be served on them by obtaining necessary receipt failing which the rule issued shall stand discharged without any further reference to this court.	
		Regarding interim prayer, list this matter after 2 (two) weeks to enable the learned counsel for respondents to receive instruction in the matter. In the meantime, the petitioner shall be allowed to continue in the office of the Executive Engineer, Bameng Division, PWD under Seppa.	
			JUDGE

- ① Rule call for
recd.
- ② List after 2 weeks
as required inter
order.
- ③ Learn with the
order.

sc

W.P.C. 1117/2000

3

Noting of office or
Advocate

Sl.
No.

Date

Office Notes, Reports,
Orders or proceeding
with signature

29/7/00

An affidavit in opposition has
been filed on behalf of the
respondent. Nos. 1 and 2.

W.A. Dan

29/7/00

nc. gain

01.08.2000

Let the matter be listed
for hearing on 8.8.2000

FIXED ON 8/8/2000

for hearing.

2
3/8/2000

W.A. Dan
2/8

Noting of office or
Advocate

Sl.
No.

Date

Office Notes, Reports,
Orders or proceeding
with signature

8/8/2k

This matter is Adjourned
for a week.



JUDGE,
AUGUST EIGHT COURT



-5-
W.P (C) 1117/2000

Noting by Officer or Advocate

SL. NO.

DATE

OFFICE NOTES, REPORTS,
ORDERS OR PROCEEDING WITH
SIGNATURE

B. Lamare

12/1/2001

lift the matter
in the next week.

Blo

Let next week

9
12/1/2001

Q

6
Noting by Officer or Advocate

SL. NO. DATE

OFFICIAL NOTES, REPORTS,
ORDERS OR PROCEEDING WITH
SIGNATURE

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application Nos. From 200(T) to 208(T) of 2001.

Date of Order : This is the 22nd Day of June, 2001.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN.

HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

O.A.No.200/2001(T) (in C.R.6037/98):

R. Prathapan . . . Applicant.

By Advocate Mr.B.K.Sharma & Mr.P.K.Tiwari.

- Vs -

State of Arunachal Pradesh & Ors .. Respondents.

By Mr.B.C.Pathak, Addl.C.G.S.C.

O.A.No.201/2001(T) (in W.P.(c)1117/2000 :

Shri Habung Lalin . . . Applicant.

By Advocate Mr. Tagia Michi

- Vs -

Union of India & Ors. . . Respondents.

Mr.B.C.Pathak, Addl.C.G.S.C.

O.A.No.202/2001(T) (in W.P.(c)374/2000

Sri Keshab Chandra Das . . . Applicant.

By Advocate Mr.Amitava Roy & Mr.S.Dutta

- Vs -

State of Arunachal Pradesh & Ors . Respondents.

Mr. A. Deb Roy, Sr.C.G.S.C.

O.A.No.203/2001(T)(in W.P.(c)257/2000):

Sri Gamboh Hagey . . . Applicant.

By Advocate Mr.M.Chanda & Mr.S.Dutta

- Vs -

The State of Arunachal Pradesh & Ors. Respondents.

Mr.B.C.Pathak, Addl.C.G.S.C.

O.A.204/2001(T) (in W.P.(c)373/2000) :

Shri Rathindra Kumar Deb . . . Applicant.

By Advocate Mr.Amitava Roy & Mr.S.Dutta

- Vs -

The State of Arunachal Pradesh & Ors. Respondents.

Mr. A. Deb Roy, Sr.C.G.S.C.

O.A.205/2001(T) (in W.P.(c) 376/2000) :

Shri Utpal Mahanta . . . Applicant.
By Advocate Mr.A.Roy & Mr.S.Dutta

- Vs -

The State of Arunachal Pradesh & Ors. . . Respondents.

Mr. A.Deb Roy, Sr.C.G.S.C.

O.A.206/2001(T) (in W.P.(c) 496/2000) :

Hage Mubi Tada . . . Applicant.
By Advocate Mr.A.Roy, Mr.M.Chanda & Mr.S.Dutta

- Vs -

Union of India & Ors. . . Respondents.
Mr.A.Deb Roy, Sr.C.G.S.C.

O.A.207/2001(T) (in W.P.(c) 876/2000) :

Malay Bhushan Dey . . . Applicant.
By Advocate Mr.B.C.Das & Mr.S.Dutta

- Vs -

Union of India & Ors. . . Respondents.

Mr.A.Deb Roy, Sr.C.G.S.C.

O.A.No.208/2001(T) (in W.P.(c) 375/2000) :

Shri Hage Tamin . . . Applicant.
By Advocate Mr.A.Roy, Mr.M.Chanda & Mr.S.Dutta.

- Vs -

The State of Arunachal Pradesh & Ors. . . Respondents.

Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

R.R.K.TRIVEDI J.(V.C.) :

We have heard Mr. M. Chanda for the applicants
and Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

2. In all the aforesaid O.A.s the questions of law ^{involved} are similar and they can be disposed of by a common

contd.. 3

order against which learned counsel for the parties have no objection.

3. The applicants of the present O.A.s are serving in different capacities under the State of Arunachal Pradesh. The applicants are serving on the basis of deputation. They are mainly involved with Divisional Accountant in the organisation, ^{under} ~~and~~ administrative control of Accountant General (A&E), Arunachal Pradesh and Meghalaya. After expiry of the period of deputation, ^{order} have been passed for repatriation to their original department. Agrieved by the order of repatriation the applicants ~~have~~ filed the Writ Petitions in High Court, which have been transferred to this Tribunal.

4. Learned counsel for the applicant has submitted that by order dated 15-11-1999, the Government of Arunachal Pradesh has extended the period of deputation for a period of two years from the date of expiry of their present respective tenure in the interest of public service. The operative part of the order reads as under :

"The Govt. of Arunachal Pradesh is of the view that requirement and posting of the DAO/DAS for 38 working Divisions of PWD may not be done at this stage, since final decision of the Govt. is still awaited. The serving Divisional Accountants in the works Deptts on deputation basis may be allowed extension for a further period of two years from the date of expiry of their present respective tenure in the interest of public service. This will provide succour to the poor financial position of the state prevailing at the present time. This arrangement is proposed till view of the State Govt. in final shape could be put forward to your esteem office."

Thus the period of expiry stands extended by order dated 15th Nov'99 from the date of expiry. In the meantime the State of Arunachal Pradesh has taken a decision to observe the

12
deputationist applicants in the State Cadre by order dated 12-1-2001, copy of which has been filed as Annexure-9. The letter is being reproduced below:

"To,

The Accountant General(A&E)
Arunachal Pradesh, Meghalaya, etc.,
Shillong-793 001.

Subj: Transfer of the Cadre of Divisional Accounts Officer/Divisional Accountants to the State of Arunachal Pradesh - regarding.

Sir,

It was under active consideration of the Government of Arunachal Pradesh for sometime to take over the Cadre of the Divisional Accounts Officers / Divisional Accountants of the Works Department totaling 91 (Ninety one) posts from the existing combined cadre being controlled by you. Now, the Government of Arunachal Pradesh has decided to take over the above said Cadre under the direct control of the Director of Accounts & Treasuries, Govt. of Arunachal Pradesh, with immediate effect.

Persons those who are borne on regular basis in the cadre and opt to come over to Arunachal Pradesh state Cadre, will be taken over on status quo subject to acceptance of the state Government. It is also decided that henceforth no fresh Divisional Accountant(s) on deputation will be entertained. Cases of those who are presently on deputation and serving in this state shall be examined at this end for their future continuation even after completion of the existing term of deputation.

It is, therefore, requested to take necessary action at your level so that the process of the transfer of the Cadre along with the willing personnel can be completed immediately.

Formal notification is under issue and shall be communicated in due course.

Yours faithfully,

(Y. Megu)

Director of Accounts & Treasuries
& Ex-Officio Dy. Secy. (Finance),
Govt. of Arunachal Pradesh,
NAHARLAGUN.

5. As the State Government has extended the period of deputation and further has taken a decision to absorb the applicants in the State Cadre by order dated 12-1-2001, in our opinion, nothing is left to be decided by this Tribunal in these O.A.s. The order of repatriation impugned in these O.A.s stands ^{purposely} ~~suspended~~ by order dated 15-11-1999, filed ⁱⁿ ~~as~~ Annexure-7.

The applications are accordingly, disposed of. It is made clear that if change in the present situation arises, it ^{shall be} ~~is~~ open to the applicants to approach this Tribunal.

There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (Adm)

THE GAUHATI HIGH COURT

THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR : TRIPURA
MIZORAM AND ARUNACHAL PRADESH)

CHECK SLIP

DISTRICT : Tapangpore W.P. (C) CASE NO. 1117 12000
DB/SB/A/B CATEGORI CODE : 10060
FILING SL. NO. 11,281 DATE OF FILING : 7-3-2000

Name of Party : Habung Lalim

vs
Union of India.

Signature of D. A.

1. Court Fee due
Court Fee paid
Deficit if any Rs. 58.80
2. Filed within Limitation : Yes / No. ☒
Condaton Petition : Yes / No. ☒
(if any)
3. Related information For : Yes / No. ☒
Caveat Matching
4. Vakalatnama File : Yes / No. ☒
5. Certified copy of order : Yes / No. ☒
Judgement, if required, :
Filed.
6. Affidavit / Verification : Yes / No. ☒
in order.
7. Form in proper : Yes / No. ☒
8. Any other defects (to be : Yes / No. ☒
named)

CASE READY / DEFECTIVE

SIGNATURE OF THE SUPDT.
FILING SECTION.

SIGNATURE OF THE STAMP
REPORTER.

THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR : TRIPURA
MIZORAM AND ARUNACHAL PRADESH)

- Category No. Year
1. (a) Case No. : 20-B, (C) / 1117 / 2000
1. (b) Related Case No. : _____ / _____ / 199
1. (c) Related Information : _____
1. (d) Jurisdictional Value Rs. _____ 1. (e) Court Fee Rs. 58.80
1. (e) Provision of law under which the case filed _____

DATE / MONTH / YEAR

1. (f) Date of Registration : 07 / 03 / 20 00

2. (a) Case Category Code : -10060 ★

2. (b) Subject Category Code : SPB ★

2. (c) Bench Code : B ★

3. State Name : Arunachal Pradesh 4. State Code _____

4. Petitioner (s) : Habung Lalim

5. Respondent (s) : union of India & Co.

6. Petitioner (s) : Mr. Tagia Michi
Advocate (s) _____

7. Respondent (s) : C.G.S.C
Advocate (s) G.A.A.P.

8. Stage Code of the Case : ★

9. Court No. :

10. Caveat (if any) : Yes ☐ / No ☒

Signature with date :

★ Kindly use appropriate codes.

G.H.C. E.W. FUND

16

DISTRICT : PAPUMPARE (ARUNACHAL PRADESH) :

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

(CIVIL EXTRA ORDINARY JURISDICTION)

W.P. (C) NO. 1117 OF 2000

Shri Habung Lalin Petitioner.

- Versus -

The Union of India & Ors. Respondents.

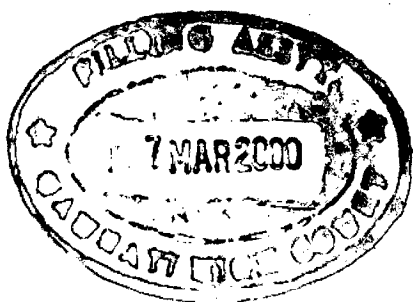
Subject : - *Other Service*

Code : - 10060

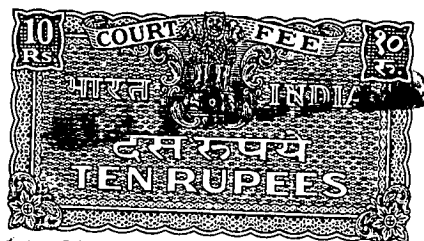
Bench : - 'B'

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Writ petition	1 to 15
2.	Affidavit	16
3.	Annexure-A	17 - 19
4.	Annexure-B	20
5.	Annexure-C	21 - 23
6.	Annexure-D	24 - 25
7.	Annexure-E	26 - 27



Filed by : -
[Signature] 7.3.2000
Taqia Hussain
Advocate.



Filed by
Togia Nirali
Advocate
7.3.2000
17

DISTRICT : PAPUMPARE.

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR
TRIPURA: MIZORAM AND ARUNACHAL PRADESH)

(CIVIL EXTRA ORDINARY JURISDICTION)

CIVIL RULE NO. 1117 OF 2000

Category :

Code : 10060

To

The Hon'ble Shri Brijesh Kumar, B.A., LL.B.,
the Chief Justice of the Gauhati High Court
and his Lordship's other companion Justices
of the said Court.

IN THE MATTER OF :

An application under Article 226
of the Constitution of India for
issue of a Writ in the nature of
Certiorari and/or Mandamus and/or
any other appropriate Writ,
Direction, Order etc.

- AND -

IN THE MATTER OF :

Order No. DA Cell/193 dated
30.12.96 issued by the

Contd...2.



Registration of Documents
Gauhati High Court
Disputes

18

Sr. Accounts Officer
i/c DA Cell, Office of the Accountant
General (A & E) Meghalaya,
Arunachal Pradesh and Mizoram
by selecting the petitioner
on deputation in post of Divi-
sional Accountant.

- AND -

IN THE MATTER OF :

Office Order No. SE/APEC-I/E/S-6
(B)/7/98-99 Dated 6.4.99 issued
by the Superintending Engineer
(Co-ordination) Arunachal Pradesh
Electrical Circle No. I Naharlagun
promoting the petitioner to the
post of office Superintendent.

- AND -

IN THE MATTER OF :

Office Memo No. DA Cell/156 Dtd.
17.12.99 issued by the Senior
Accountant General (Admn) office
of the Accountant General (A & E)

Contd...3.

Ministry of Labour
Goverment of India
New Delhi

Meghalaya, Arunachal Pradesh
and Mizoram, Shillong repatria-
ting the petitioner to the parent
department in the post of Assis-
tant.

- AND -

IN THE MATTER OF:

For inforcement of the petiti-
oner's right guaranteed under
Article 14 & 16 of the Consti-
tution of India as well as his
legal right.

- AND -

IN THE MATTER OF :

Shri Habung Lalin,
Son of Shri Habung Tasso,
Resident of A-Sector,
Naharlagun,
District - Papumpare,
Arunachal Pradesh.

.... Petitioner.

Contd...4.

Minister of Education
Capital City
Goverment

- 4 -

- Versus -

1. The Union of India,
Through the Comptroller &
Auditor General of India,
10 Bahadur Shah Zafar Marg,
New Delhi-110002).
2. The Accountant General (A & E)
etc, Meghalaya,
Shillong.
3. The State of Arunachal Pradesh,
Through the Secretary, Depart-
ment of Power, Government of
Arunachal Pradesh,
Itanagar.
4. The Director of Accounts &
Treasuries,
Government of Arunachal Pradesh,
Naharlagun.
5. The Chief Engineer,
Department of Power,
Arunachal Pradesh,
Naharlagun.

Contd...5.

6. The Superintending Engineer
(Co-ordination),
Department of Power,
Naharlagun.

.... Respondents.

The humble petition of the petitioner above-named;

MOST RESPECTFULLY SHEWETH :

1. That the petitioner is a citizen of India and at present residing at Naharlagun in the district of Papumpare, Arunachal Pradesh. The petitioner belongs to local tribes of Arunachal Pradesh which is recognised as Scheduled Tribe of Arunachal Pradesh. The petitioner is serving as Divisional Accountant under Executive Engineer *Daming* Division, P.W.D.
2. That the petitioner was appointed as upper Division Clerk and was promoted to post of office Assistant in the year 1992 in the Department of Power, Govt. of Arunachal Pradesh under the Rules that was in force and since then he is serving in the State of Arunachal Pradesh most diligently and without any blemish.
3. That the Accountant General (A & E) Meghalaya Arunachal Pradesh and Mizoram, Shillong had adopted

Contd...6.

22

a policy decision for filling up the post of Divisional Accountant in each P.W.D. Division by taking staff from other Department and Public works Deptt. On deputation with the stipulation that the post will carry pay scales of Rs. 1400-2600/- per month. As per the said decisions options from willing officials should reach chief Engineer (Power) and Superintending Engineer (Co-ordination), (Electrical).

4. That in pursuance of the said policy decision, the petitioner also expressed his options alongwith others to join in the post of Divisional Accountant aforesaid and accordingly his name along with others were forwarded to the Accountant General, Shillong for approval and accordingly the Accountant General, Shillong also approved the appointment of the petitioner and 6 other persons in the post of Divisional Accountant in the Scale of pay of 1400-2600/- P.M. plus other allowances which was conveyed by the Sr. Account Officer, Office of the Accountant General, Shillong vide Order No. DA Cell/193 dated 30.12.96 As per the said order, the place of posting of the petitioner as Divisional Accountant in Sangram, P.W.D. Division. As per the said order, the petitioner was initially appointed for a period of 3 years and that their services on deputation will be regulated by the normal terms and conditions of deputation

Contd...7.

- 7 -

provided the lending Departments are agreeable to place the services on deputation to P.W.D. It was further provided that the appointment in each case is approved against the post of Divisional Accountant created in Accountant General's office Shillong, and will be valid as long as the programme continues.

The copy of the order dated 30.12.96 aforesaid is annexed as Annexure-A.

5. That the petitioner states that while he was posted at Mechuka as Divisional Accountant under the Executive Engineer, Mechuka P.W.D. Division and deputation under Accountant General, Shillong, the petitioner was promoted in his parent department ~~of Power~~ (Department of Power) to the post of Office Superintendent vide office order No. SE/APEC-I/E/S-6(B)/7/98-99 dated 6.4.99 against the existing vacancy.

The copy of the promotion order is annexed Annexure-B.

6. That the petitioner states that ~~xxx~~ he on receipt of his promotion order dated 6.4.99 from

Contd...8.

2387 of 2000
 Contd High Court
 11/12/2000

the Superintending Engineer (Co-ordination) Arunachal Pradesh Electrical Circle-I Naharlagun, he approached the Accountant General Shillong with a request to release him so as to join on his promoted post of Superintendent. On such approach, the respondent No. 1 (The Accountant General, Shillong) suggested the petitioner to complete his deputation period there after only the petitioner can be relieved.

The petitioner in compliance to the order of the Accountant General, Shillong remained and continued as Divisional Accountant at Bamung P.W.D. Division.

7. That the petitioner was served with a office order No. DA-CELL/156 dated 17.12.99 issued by the Sr. Deputy Accountant General (Admn) vide which the petitioner was repatriated to his parent department (The Department of Power) in his original post of office Assistant.

The copy of the order dated 17.12.99 is annexed as Annexure-C.

8. That the petitioner made enquiry in his parent department to join on his promoted post of

Contd...9.

office Superintendent which was promoted vide office order No. SE/APEC-I/E/S-6(B)7/98-99 dated 6.4.99 which is annexure B. to this writ petition. On such enquiry, petitioner was made understood that his promotion has been cancelled as he was ~~not~~ released from the establishment of the Accountant General Shillong and his promoted post has been filled up by some other person who is junior to the petitioner and petitioner can not be adjusted with promotional post at this junction.

9. The petitioner made further enquiry as to who were the persons promoted to the posts of office Superintendent against his promoted post during his deputation under the Accountant General, Shillong and in fact he got confirmation that in place of the petitioner one Shri Tasso Tajo and one Shri K. Norbu of power department were promoted to the post of office Superintendent vide office order No. SE/APEC-I/E/S-6(B)/T/99-2000 Dated 11.10.99, issued by the Superintending Engineer (Co-ordination) Arunachal Pradesh Electrical Circle No. I Department of power, Naharlagun. The petitioner states that above named and promoted persons are for Junior to the petitioner.

Contd...10.

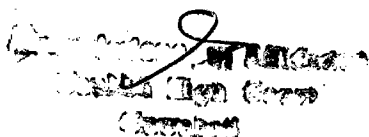
26
The copy of the promotion order
No. SE/APEC-I/E/S-6(B)T/99-2000
Dated 11.10.99 is annexed as
Annexure-D.

10. That the petitioner states that the Director of Account, Govt. of Arunachal Pradesh, Naharlagun vide his office order No. DA/TRY/15/99 dated 15.11.99 whereby the Accountant General (A & E) Shillong conveyed the decision of the Govt. of Arunachal Pradesh for recruitment to the post of Divisional Accountant in 38 Division, P.W.D. and requested the Accountant General (A & E) Shillong to allow the present serving Divisional Accountants in the works departments on deputation basis, may be allowed to continue in their posts at their respective place of posting for further period of 2 (two) years from the date of expiry of their present respective tenure in the interest of public service.

The copy of the aforesaid office order is annexed as Annexure-E.

11. That the petitioner states that his promoted post of office superintendent in the department of power, during his deputation to the office of the

Contd...11.


Department of Power
Government of Arunachal Pradesh
Disputed High Court
Champhai

Accountant General (A & E) Shillong, has been cancelled and the said post has been filled up with an office Asstt. who is far junior to the petitioner and the Govt. of Arunachal Pradesh has also conveyed in writing to the Accountant General (A & E) Shillong regarding proposed recruitment of the Divisional Accountants in Arunachal Pradesh and has requested the Accountant General (A & E) Shillong to extend the deputation period of the working Divisional Accountant for another 2 (two) years from the date of expiry of the deputationist with a view to ~~form~~ form separate cadre^{to} Divisional Accountants for Arunachal Pradesh within the State Govt. In such facts and circumstances the respondent authority may not repatriate the petitioner to his parent department putting him in great loss. Therefore the respondent authority is deserved to be directed not to repatriate the petitioner and to allow him to continue in the present post of Divisional Accountant under the Accountant General (A & E) Shillong, pending finalisation of the recruitment to the post of Divisional Accountant in the Directorate of Accounts, Govt. of Arunachal Pradesh, Itanagar or promotional avenue or post is ~~not~~ arranged for the petitioner.

12. That the petitioner states that the respondent authority without application of mind had passed

Contd...12.

[Handwritten signature]
Sd/-
Accountant General
Shillong

the order dated ,17.12.99 directing the petitioner to repatriate in the parent Department in the post of office Assistant without making any prior arrangement to absorb the petitioner in the appropriate post with appropriate scale of pay in the department of power. Under the circumstances, the said order dated,17.12.99 issued by the Respondent No.2 is illegal and unreasonable and liable to be set aside.

13. That the petitioner states that without making any arrangement to absorb the petitioner is the parent department in the appropriate post with appropriate scale of pay, the respondent authority ought not to have directed to repatriate the petitioner in the parent department which in the circumstances of the case would cause irreparable loss and great hardship to the petitioner both in the rank and scale of pay. Therefore, the respondent authority may be directed not to repatriate the petitioner without first making arrangement for the petitioner in the parent department for his appropriate post and scale of pay.

14. That the persons junior to the petitioner having been given promotion to the post of office Superintendent without considering the case of the

Contd...13.

Amended
CUSTOMER HIGH COURT
CHANDIGARH

petitioner while the petitioner was in deputation as Divisional Accountant, the respondent authorities may be directed to repatriate the petitioner in the post of office Superintendent in the department of power and unless the same is done the petitioner may be allowed to continue in the present post of Divisional Accountant.

15. That the persons junior to the petitioner who were also deputed to the Accountant General, Shillong as Divisional Accountant has not been repatriated and other repatriated Divisional Accountants have been retained and are allowed to continue in their service at the instances of order of Gauhati High Court passed in W.P.(C) 496/2000. Therefore, the petitioner has right to continue in the post of Divisional Accountant till arrangement is made, in parent department for promotion of the petitioner with retrospective effect from the date on which Juniors to the petitioner ^{were} ~~are~~ promoted to the posts of office Superintendent. Therefore the act of the respondents by repatriating the petitioner to his parent department in great loss and without making arrangement for promotion of the petitioner is completely violative of Article 14 & 16 of the constitution of India.

Contd...14.

Amarendra K. Mishra
Chief Justice
Gauhati High Court
Disputes

16. That the petitioner states that in the similar nature of this case, the Hon'ble Gauhati High Court has passed order in W.P. (C) No. 496/2000 directing the respondent authority to allow the petitioner to continue in their deputation posts of Divisional Accountant untill the arrangements are made in parent department for promotion to the petitioners.

17. That the petitioner demanded justice but the same was denied to him.

18. That there is no other efficacious ~~alter-~~ ~~nate~~ alternate remedy and the remedy sought for would be just and proper.

19. That this petition is made bonafide and for ends of justice.

It is, therefore, prayed that Your Lordships would be pleased to admit this petition, call for the records, issue Rule calling upon the respondents to show cause as to why the order No. DA Cell/156 dated 17.12.99 issued by the Sr. Deputy Accountant General, Shillong

Contd...15.

[Handwritten signature and stamp]
Sd/-
[Illegible text]
[Illegible text]

shall not be set aside or quashed and as to why the respondent authorities shall not be directed not to repatriate the petitioner without making prior arrangement for posting the petitioner in the post of office Superintendent ~~Engineer~~ in the Department of Power and upon such cause or causes that may be shown ^{after} hearing the parties perusing the records further be pleased to make the Rule absolute.

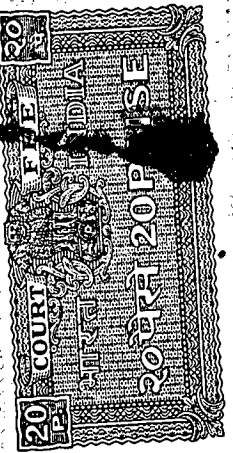
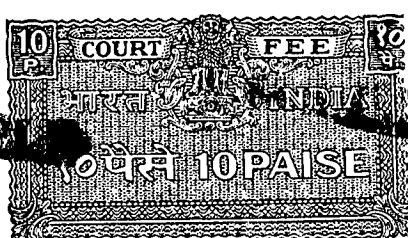
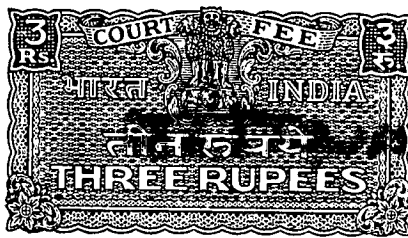
- AND -

It is further prayed that pending disposal of the Rule, the order No. DA Cell dated 17.12.99 issued by the Sr. Deputy Accountant General, Shillong may be stayed and the petitioner may be allowed to continue in his present post of Divisional Accountant.

And for this act of grace, the petitioner shall ever pray.

Affidavit

[Handwritten signature]
Charles D. D. D.
Counsel



32

- 16 -

A F F I D A V I T

I, Shri Habung Lalin, aged about 38 years,
Son of Shri Habung Tasso, resident of A. Sector,
Naharlagun within the District of Papumpare, Arunachal
Pradesh, do hereby solemnly affirm and declare as
under : -

1. That I am the petitioner in this instant
case as such am fully conversant with the facts and
circumstances of the case.
2. That the statements made in paragraph
1 to 19 are true to my knowledge
and rests are derived from record and are my humble
submission before this Hon'ble Court.

I sign on this affidavit on this 7th day
March, 2000 at Guwahati.

Identified by me : -

Ganesh Das

Advocate's Clerk.

7/3/2000

Habung Lalin

DEPONENT

7th day of March/2000
The deponent is identified by -
in my presence. I have read over
the contents of the affidavit and
the deponent seemed perfectly to know the
contents of the same.
[Signature]
7/3/2000
Commissioner of District Court
Guwahati

OFFICE OF THE ACCOUNT GENERAL (A/c) MEGHALAYA ARUNACHAL PRADESH
AND MIZORAM SHILLONG.

EO NO. DA Cell/193

Dated : 30/12/96

Consequent on his selection for the post Divisional Accountant (on deputation basis) in the pay scale of Rs. 1400-40-16000/- per month in the combined cadre of Divisional Accountants under the administrative control of the office of the Accountant General (A/c), Meghalaya etc., Shillong, Shri Habung Lalin.

Head Assistant at present working in the office of the Executive Engineer (Elect), Naharlagun Dist. Divn. is posted on deputation as Divisional Account.

In the office of the Executive Engineer, Sangrām
Divn, Sangrām, A.P.

2. Shri Habung Lalin should join in the aforesaid post of Divisional Account on deputation within 15 days from the date of issue of this order, failing which his posting on deputation is liable to be cancelled without any further communication and the position may be offered to some other eligible and selected candidate. No representation for a change of the place of posting will be entertained under any circumstances whatsoever.

3. The period of deputation of Shri Habung Lalin will be for a period of 1 (one) year at the initial stage, from the date of joining in the office of the

Executive Engineer, Sangrām Divn
Sangrām, Arunachal Pradesh

However the period of deputation may be extended upto 3 years. But in no case, the period of deputation will be extended beyond 3 years.

4. The pay and deputation (duty) allowances in respect of

Shri Habung Lalin will be governed by the Government of India, Ministry of Finance, Public Grievances and Pension (Deptt. of Personnel and Training) letter No. 2/12/87-Estt(Pay.II) dtd. 29.4.1988.

Certified to be true copy
M/s 7/3/2000
Tajir Mithi
A. K. S. S. S.

Contd.....2/-

and as amended and modified from time to time. while on deputation
Shri Habung Lalim may
elect to draw either the pay in the scale of pay of the deputation
post or his basic pay in the parent cadre plus personal pay, if any,
plus deputation(duty) allowance, Shri Habung Lalim
on deputation should exercise
option in this regard within a period of 1 (one) month from the date
of joining the assignment i.e. the aforesaid post of deputation).

The option once exercised by Shri Habung Lalim
shall be treated as final and cannot be altered/changed later under
any circumstances whatsoever.

5. The Dearness Allowance, CCA, Children Education Allowance,
T.A., L.T.C. Pension, etc will be governed by the Govt. of India,
Ministry of Finance OM No. F1(6)E-IV(A)/62 dt. 7.12.1962 (Incorporated
as Annexure 31 of Choudhury's C.S.R. Volume IV (13th Edition) and
as amended and modified from time to time.)

6. Shri Habung Lalim on
deputation will be liable to be transferred to any place within the
State of Arunachal Pradesh, Manipur and Tripura, in the combined
cadre of Divisional Accountants under the administrative control of
the Accountant General (A&E) Meghalaya etc, Shillong.

7. Prior concurrence of this office must be obtained by the
Divisional Officer before Shri Habung Lalim
(on deputation) is entrusted additional charges
appointed or transferred to a post/station other than cited in this
Establishment Officer.

Sr Sd/-
उप महालेखाकार (लेखा व हकदारी)
Deputy Accounts Officer (A&E)
महालेखाकार का कार्यालय

Office of the Accounts Officer, Sr. Accounts Officer.
मेवालय, मिजोरम और अरुणाचल प्रदेश i/c, DA Cell.
Meghalaya, Mizoram and Arunachal Pradesh
फिलॉन- 793701.
Shillong- 791001.

1935

- 3 -

Memo No. DA Cell/2-49/94-95/2395-2399

Dated: 1/1/97

Copy forwarded for information and necessary action to :-

- 1) The Accountant General (A&E), Manipur, Imphal.
- 2) The Accountant General (A&E) Tripura, Agartala.

3) The Chief Engineer,

He is requested to release Shri

immediately with the direction to report for duty to his place of posting on deputation under intimation to this office.

REGISTERED

He is requested to release

immediately Shri

with the direction to report for duty to his place of posting on deputation under intimate to this office.

REGISTERED. The Executive Engineer

He is requested to intimate

the date of joining of Shri

REGISTERED.

Shri

Habung Lalun; H/A

O/O the

Executive Engineer

*Naharlagun Electoral Div; Naharlagun,
Lunglech Pradesh.*

7. E.O. File

8. S.C. File.

9. P.C. File.

10. File of the deputationist.

[Signature]
Sr. Accounts Officer.

24/12/96

OFFICE ORDER

Shri Habung Lalin, Asstt. now as Divisional Accountant on deputation to the office of the Executive Engineer, Mechuka FWD Division, Mechuka under Accountant General, Shillong is hereby promoted to officiate as Superintendent on purely temporary basis and posted to the office of the Superintending Engineer(E), Miao against existing vacancy in the scale of pay Rs.5500-175-9000/- p.m. plus other allowances as admissible with effect from the date he resumes charge of the post.

The temporary officiating promotion will not confer upon him any right to claim seniority/regular promotion as Suptt.

This temporary promotion is subject to regularisation by D.P.C. and there is no vigilance case pending or contemplated against him.

If he accept the promotion on the above terms and conditions he should report for further duty to the place of posting within 60 days from the date of issue of this order failing which promotion of the incumbent will be treated as cancelled.

Sd/-
(Er. J. TATO)
Superintending Engineer(Coord)
A.P.Electrical Circle No-I,:::
Department of Power, Naharlagun

NO. SE/APEC-I/E/S-6(B)/7/98-99/

Dtd. 23.4.99, ... 6.4.99

Copy to:

1. The Accountant General, Shillong for information.
2. The Superintending Engineer(E), Miao Electrical Circle, Miao for information.
- ✓ 3. The Executive Engineer, Mechuka FWD Division, Mechuka for information.
4. Shri Habung Lalin, D.A (On deputation) C/O Executive Engineer, FWD, Mechuka.
5. Section-8-6(C), 8-5.
6. Office order file.

*Copied to be the copy.
7/3/2000
H. N. Choudhary*

(Er. J. GIBI)
EA to Suptd. Engineer(Coord)
A.P.Electrical Circle No-I,:::
Deptt. of Power, Naharlagun

-22-

- 2 -

Memo No. DA Cell/10-1/93-94/99-2000/ 1619-1628 dt 24/11/2000
Copy forwarded for information and necessary action to : DEC 12 2000

1. The Chief Engineer, ~~(Powers), Amnagar Road~~
~~Itanagar~~

He is requested to
release Shri/Smti ~~Habung Lal~~

Divisional Accountant on
deputation to his parent Department.

The concerned Executive Engineer has been asked to release

Shri/Smti ~~Habung Lal~~ on or before
~~12.1.2000~~

2. The Superintending Engineer

3. The Executive Engineer

4. The Accountant General (DA)

5. The Executive Engineer, ~~Bameng Pat Ar~~
~~Bameng: A.P.~~

He is requested to release
Shri/Smti ~~Habung Lal~~

of his Division on or before ~~12.1.2000~~ as his

term of deputation expires. He is also requested to

instruct Shri/Smti ~~Habung Lal~~

to report to his/her parent Department i.e. Office of the

Chief Engineer, ~~(Powers), Itanagar~~

on his/her release from your department. It may be noted

that no further extension of period of deputation will be

granted to Shri/Smti ~~Habung Lal~~

under any circumstances to avoid any complicity.

6. The Executive Engineer

He is requested to direct Shri/Smti

Divisional Accountant to look after the
work of the Divisional Accountant of the Office of the

Executive Engineer

in addition to his/her normal duties with effect from

untill further order.

Contd....3

7. Shri/Smti _____
DAO Grade-I/II/Divisional Account of the Office of the
Executive Engineer _____

_____ He/She is directed to look after the work
of the Divisional Account of the Office of the Executive
Engineer _____

w.e.f. _____ A.N. in addition to his/her
normal duties, untill further order.

✓
3.
Rao

Shri/Smti Habung Lalim
Divisional Accountant on deputation, O/o the Executive
Engineer, Bameng P.W.D., Bameng, A.P.

He/She is hereby asked to report to his/her parent
Department, i.e. O/o the Chief Engineer, (Powers)

Amachal Pradesh, Jhargar

8. Personal File of Shri/Smti Habung Lalim

10. Personal File of Shri/Smti _____

11. S.C. File.

12. E.O. File.

24/12/95
Senior Accounts Officer

24

ANNEXURE-D

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE SUPERINTENDING ENGINEER:: (ELECTRICAL)

A.P.E.C. NO. I, NAHARLAGUN - 701 110

NO. SE/APEC-I/E/S-6(8)/7/99-95/

Dtd. 11.9.99

99-2600/

OFFICE ORDER

In the interest of public service the following Head Assistants are hereby promoted to officiate as superintendent on purely temporary basis subject to regularisation by DRC in the scale of pay Rs. 5500-175-9000/- p.m. plus other allowances as admissible with effect from the date they assume charge of the posts until further order.

1. Sri Tasse Tajo.
2. Sri K. Norbu.

Consequent upon promotion to the posts of superintendent the following transfer and posting are also ordered in the interest of public service.

SL. NO.	Name	From	TO	Remarks.
1.	Sri Tasse Tajo	ZED, Ziro	Miao Elect. Circle, Miao	Against existing Vacancy
2.	Sri K. Norbu	DCD, Bomdila	APEC-I, Naharlagun	- do -

The temporary officiating promotion will not confer upon them any right to claim seniority/regular promotion as Supdt. The promotions are subject to condition that no Disciplinary/Vigilance case is pending being contemplated against the officials.

The Head Assistants on promotion shall be relieved within 30 days by the Executive Engineers without waiting for substitutes who are being posted shortly.

If they accept the promotion on the above terms and conditions they should report for further duty to the place of posting within 30 days from the date of issue of this order failing which officiating promotion of the officials will be treated as cancelled.

*Confirmed to be true copy -
grd. 7/3/2000
Tajia Nishi
Asst. Secy*

(Sr. J. TATO)
Superintending Engineer (COORD),
AP. Electrical circle NO - I,
Department of Power, Naharlagun

Contd.....p.....2

25

41
10
11/99

// P....2//

99-2000/3681-8091

NO. SE/APEC-I/E/S-6(B)/7/98-99/

Dtd. Nlg. the,/99

Copy to:-

- 1) The Chief Engineer(P), Department of Power, Naharlagun.
- 2) The Superintending Engineer(E), Miao Electrical Circle, Miao for information.
- 3) The Executive Engineer(C), Ziro Civil Division, Ziro for information and necessary action.
- 4) The Executive Engineer(C), Bomdila Civil Division Deptt. of Power, Bomdila.
- 5) The Surveyor of Works(E), AP. Electrical circle NO-I, Naharlagun for information.
- 6) Person concerned.
- 7) Section 6-(C)/5(C)
- 8) Confidential section.
- 9) Office order file.

Hind
Superintending Engineer(Coord),
A.P. Electrical circle NO-I, : : :
Department of Power, Naharlagun.
11/10

26

ANNEXURE-2

42

GOVT OF ARUNACHAL PRADESH
DIRECTORATE OF ACCOUNTS & TREASURIES : NAHARLOGUN

(THROUGH FAX/SPEED POST)

No DA/TRY/15/99

Dated Naharlogun the 15th Nov '99

To,

The Accountant General (A&E)
Meghalay, Arunachal Pradesh etc.
Shillong.

Sub:- Recruitment /posting of regular Divisional Accountants

Ref:- Your letter No DA/Jall/2-46/92-93/1241 dtd 4-10-99
& this office letter No DA/29/857(Part)/6304 dtd 8-9-99

Sir,

The issue of recruitment and posting of Divisional Accountants to 38 public works divisions of this state which are presently manned by deputationist were under active consideration of the state Government. The Govt of A.P has observed that prior to this correspondence under reference the state Govt. as well as this Directorate were never consulted while recruiting and posting of DAOs/DAs, though these posts were borned in the establishment of Executive Engineers and paid from the state exchequer. It has also been observed that prior to declaration of the State-hood (20-2-87), the cadres of the DAOs/DAs were enjoying pay scales without anomaly with the comparable status of Accountant/Assistant/Superintendent in the state Govt., working either in the Directorate of Accounts & treasuries as well as in other Directorates or in the District establishment. The Directorate of Accounts and Treasuries now express concern on the pay scales presently enjoying by the cadres of DAOs/DAs which were enhanced without having approval of the State Govt of A.P. The higher pay scales presently enjoying by the cadre of DAOs/DAs has been posing a problem for granting huge amount in the form of pay and allowances during the proposed training period of 38 Divisional Accountants.

The Govt of Arunachal Pradesh is of the view that recruitment and posting of the DAOs/DAs for 38 working Divisions of PWD may not be done at this stage, since final decision of the Govt is still awaited. The serving Divisional Accountants in the works Deptts on deputation basis may be allowed extension for a further period of two years from the date of expiry of their present respective tenure in the interest of public service. This will provide succour to the poor financial position of the state prevailing at the present time. This arrangement is proposed till view of the State Govt. in final shape could be put forward to your esteem office.

Yours faithfully,

(C. M. Monginaw)
Joint Director of Accounts
Directorate of Accounts & Treasuries
Govt of Arunachal Pradesh

Fax No 0360 244281

Copy to :-

1. The P.S to the Hon'ble Chief Minister, Arunachal Pradesh, Itanagar for information of the Hon'ble Chief Minister.
2. The P.S to the Commissioner (Finance) Govt of A.P Itanagar for information.
3. The P.S to the Commissioner PWD/RWD/PHED/IFCD/Power for information

Contd...2..

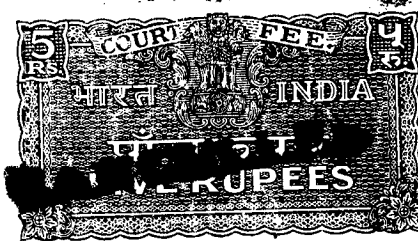
*Copy to be made
7/3/2000
P. S. M. N. S.
Advocate*

4. The Accountant General (Audit) Arunachal , Meghalaya etc Shillong for favour of information.
5. The Chief Engineer PWD (EZ / WZ) / RWD / PHED / IFCD / Power, for information please. They are requested to give continuation to the serving DAs who are on deputation , for a further period of 2 years on expiry of their present term of deputation & meanwhile they may please direct the Executive Engineer concerned not to accept joining report of new appointee(DA) without consulting the State Govt/ Director of Accounts and Treasuries, Naharlogun.

6. The Chief Engineer PWD (EZ / WZ) / RWD / PHED / IFCD / Power, for information please.

7. Office copy.

(M. Mongmaw)
Joint Director of Accounts
Directorate of Accounts & Treasuries
Govt of Arunachal Pradesh
Naharlogun



28
Filed by 14
P.N. Choudhary
A.N. G.

IN THE GAUHATI HIGH COURT.
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

IN THE MATTER OF :
W.P.(C) No.1117 OF 2000.

Habung Lalin. PETITIONER.

- VERSUS -

The Union of India
and Others. RESPONDENTS.

-AND-

IN THE MATTER OF :
Affidavit-in-opposition on behalf
of Respondents No.1 and 2, The
Union of India, through the
Comptroller & Auditor General of
India, New Delhi and the Accountant
General (A&E) Meghalaya etc., Shillong.

I, Shri S. A. Bathew, son of Shri W. B. Bathew,
aged about 36 years, Senior Deputy Accountant General
(Admn), Office of the Accountant General (A&E)
Meghalaya, Shillong, Respondent No.2, do hereby
solemnly affirm and declare as follows :-

1. That copy of the application has been served
upon me and being authorised to defend the case

contd..2..

7958/41
COMMISSIONER OF AFFIDAVIT

- 2 -

the case before this Hon'ble Gauhati High Court, I do hereby file this Affidavit-in-opposition as desired by this Hon'ble High Court as per order dated 8.3.2000.

2. That this Affidavit-in-opposition is filed bonafide and save and except what is admitted in this Affidavit-in-opposition the rest may be treated as total denial by the Respondent.

3. That with regard to the contents made in paragraph 1 of the Writ Petition, I beg to state that except the contents made in the last sentence of this para, what has been stated by the Petitioner is a matter of records. As regards the contents made in the last sentence of this para, it is to be stated that the order repatriating the Petitioner to his parent Department was issued vide Memo No. DA Cell/10-1/93-94/99-2000/ 1619-1628 dated 24.12.99.(Annexure- {). Based on this order the Executive Engineer Bameng PWD, Bameng, released the Petitioner on 12.1.2000 and the Petitioner joined his parent Department on 24.1.2000. The Petitioner's statement that he is serving as Divisional Accountant under the Executive Engineer, Bameng, PWD, Division, Bameng is completely false and mis-statement of facts. The Petitioner filed

contd..3..

- 3 -

Petitioner filed this present Civil Rule before the Hon'ble High Court, after two months of his release and joining his parent Department, misleading the Hon'ble High Court by giving false statement of facts.

Further to state that the Petitioner who joined in his parent Department on 24.1.2000, was subsequently transferred and posted to Superintending Surveyor of Works (C) Unit under the Chief Engineer (Power) by his parent Deptt. vide order No. CE(P)/Estt/E-III/1/99-2000 dated 7.2.2000 (Annexure- 2).

4. That with regard to the contents made in paragraph 2 of the Petition, I beg to state that these are matter of records.
5. That with regard to the contents made in paragraph 3 and 4 of the Writ Petition, I beg to state that as per Recruitment Rules, which came into force w.e.f. 24.9.1998, appointment of regular Divisional Accountants are to be made from amongst officials who qualify at the Examination, conducted by the Staff Selection Commission only. Appointment of Divisional Accountant on deputation was made by the Respondent No.2, as a stop gap arrangement only, till regular Divisional Accountants could be

contd..4..

- 4 -

could be recruited through the Staff Selection Commission. Recruitment of regular Divisional Accountant through Staff Selection Commission is under process. As a stop gap arrangement circular was issued to all the concerned during month of October, 1996, by the Respondent No.2, for appointment of Divisional Accountant on deputation, initially for a period 1 year. In the circular, it was clearly mentioned that the interested candidate who are willing to be considered for DA on deputation initially for a period of 1 year, may submit their application through their Heads of the Parent Department. The Petitioner who submitted his application along with others candidates, was considered for appointment as DA on deputation initially for a period of 1 year which was subsequently extended upto 3 years. As per recruitment Rules published in Gazette of India dated 24.9.1988, period of deputation cannot be extended beyond period of 3 years. Before completion of deputation period of 3 years, order of repatriation was issued on 17.12.1999 by Respondent No.2, repatriating the Petitioner to his Parent Department. The Petitioner was released on 12.1.2000 and he joined in his Parent Department on 24.1.2000.

What the Petitioner has stated in paras 4 and 5 of this Writ Petition is false and mis-

contd..5..

- 5 -

mis-statement of fact. No policy was adopted by Respondent 2 to fill up the Post of Divisional Accountant in each P.W.D. Division by taking staff from other Department and Public Works Department. Appointment of Divisional Accountant on deputation basis is only a stop gap arrangement till regular Divisional Accountants are recruited through staff Selection Commission as per recruitment Rules which came into force w.e.f. 24.9.1998. The Petitioner was not initially appointed for a period of 3 years but he was appointed initially for a period of 1 year and subsequently his period of deputation was extended upto 3 years. The Service of the Divisional Accountant on deputation can not be regularised for Permanent absorption, as per Recruitment Rules.

(Copy of the Recruitment Rules is annexed as Annexure No. 4)

The applicant who was on deputation has no right to claim for regularisation/absorption.

In this connection, it is to be pointed out here that the Hon'ble Supreme Court of India, Case No. AIR 1990 S.C. 1132, State of Punjab Vrs. Inder Singh (1997) 8 SSC 372 and in Case of Ratilal B. Soni Vrs. Union of India and others held that " a deputationist is liable to be repatriated to his

contd..6..

33
49

- 6 -

to his parent cadre/ Department on expiry of period of deputation. Repatriation from deputation cannot be resisted by an employee on the grounds that he has continued on deputation for a long time during which he earned promotion on ex-cadre posts and that on repatriation he will have to work in his parent cadre on a lower post".

In view of the aforesaid Judgment passed by the Hon'ble Supreme Court of India, the Petitioner who was on deputation resisted the repatriation order of 17/12/99.

(Copy of the judgment passed by Hon'ble Supreme Court of India and copy of the Recruitment Rules are annexed as Annexure No. 3 and 4).

6. That with regard to the statement made in paragraph 5 and 6 of the Writ Petition, I beg to state that the Petitioner while working as D A on deputation, purely on temporary basis, was promoted by his Parent Department, to officiate as Superintendent in his Parent Department. But no request, either from the Parent Department of the Petitioner or from the Petitioner, was received for release of the Petitioner. Whenever request comes from the Parent Department of any deputationist, the Respondents without loss of time, immediately release the deputationist, so as to enable the deputationist

contd..7..

deputationist to join in his Parent Department. An example is cited herewith one Shri B.D. Bhattacharjee while working as D.A. on deputation, the Respondent No.2 received a telegram from the Parent Department of Shri B. D. Bhattacharjee for his release as he was promoted as Head Assistant. This Office immediately issued telegraphic release order so as to enable the deputationist to join to his Parent Department.

But in case of Petitioner, no such request was received from his cadre controlling authority.

Had there been any request for release of the Petitioner he would have been released immediately.

What the application has stated in para 6 of the application that he approached the Accountant General (A&E) Shillong with the request to release him so as to join on his promoted post of Superintendent, is completely false and mis-statement of fact.

This office never issued any order to the Petitioner to remain and continue as Divisional Accountant.

(Copy of the Telegram for release of Shri B.D. Bhattacharjee and copy of the release order issued by Respondent No.2 are annexed as Annexure No. 5 and 6).

contd..8..

7. That with regard to the statement made in para 7 of the Writ application, I beg to state that, on completion of period of deputation, order of repatriation was issued and the Petitioner as per order of repatriation was relieved of the office of Divisional Accountant and joined in his Parent Department on 24.1.2000.

(Copy of the joining report is enclosed marked as Annexure- 7).

8. That with regard to the statement made in paragraph 8 and 9 of the Writ Petition, I beg to state that it is already stated in paragraph 6 of this Written Statement that neither the Petitioner nor the Govt. of Arunachal Pradesh approached the Respondent No.2, for release of the Petitioner, when he was promoted by the Parent Department. Had there been any request for release of the Petitioner, he would have been released without any question.

The matter of cancellation of promotion or promotion of the Junior to the Petitioner is to be decided by the Parent Department of the Petitioner. The Respondent has no jurisdiction on the matter.

contd..9..

5-26

- 9 -

9. That with regard to the statement made in paragraph 10 of the Petition, I beg to state that, it is a fact that the Govt. of Arunachal Pradesh requested vide letter No. DA/T/RY/15/99 dated 15.11.99 (Annexure- 8) to extend the period of deputation for further period of 2(two) years from the date of expiry of period of deputation of deputationists. But this office vide letter No. DA Cell/2-46/92-93/1698 dated 7.1.2000 (Annexure-9) addressed to Govt. of Arunachal Pradesh expressed inability to extend the period of 2 years.
10. That with regard to the statement made in paragraph 11, 12 and 13 of the Petition, I beg to state that it is already stated in para 9 of this Written Statement that the Govt. of Arunachal Pradesh was intimated that the period of deputation cannot be extended after the expiry of period of deputation of 3 years. As per Recruitment Rule in force, the Petitioner was released and repatriated to his Parent Department and he joined his Parent Deptt. on the 24.1.2000. The Parent Department of Petitioner has already posted the Petitioner, in the appropriate post with appropriate scale as per the decision of the Govt. of Arunachal Pradesh.
11. That with regard to the statement made in paragraph 14 of the Petition, I beg to state that the

contd..10..

COMMISSIONER OF AFFIDAVIT

that the Petitioner is originally a staff of State Govt. of Arunachal Pradesh. Thus the Govt. of Arunachal Pradesh is to decide the service matters of the Petitioner. The Respondent No.2, is in noway concerned with service matters relating to the Petitioner.

The Petitioner may like to move his Parent Deptt., for redressal of any grievances concerning his service matter. As the Petitioner has already joined his Parent Department on 24.1.2000, the question of allowing the Petitioner to continue as Divisional Accountant does not arise.

12. That with regard to the statement made in paragraph 15 and 16 of the Writ Petition, I beg to state that, what the applicant has stated that the persons Juniors to the Petitioner who were also deputed to the Accountant General, Shillong as Divisional Accountant have not been repatriated and other repatriated Divisional Accountant have been retained and are allowed to continue in their service at the instance of order of Gauhati High Court passed in W.P.(C) 496/2000, is false and mis-statement of fact. The Petitioner was a Divisional Accountant on deputation and he cannot be allowed to continue as Divisional Accountant after expiry of the period of deputation.

contd..11..

- 11 -

It is already stated in para 5 of this Written Statement that the Hon'ble Supreme Court of India, Case No, AIR 1990 S.C. 1132, State of Punjab Vrs. Inder Singh (1997) 8 SSC 372 and in case of Ratilal B. Soni Vrs. Union of India and others held that " a deputationist is liable to be repatriated to his parent Cadre/ Department on expiry of period of deputation, Repatriation from deputation cannot be resisted by an employee on the grounds that he has continued on deputation for a long time during which he earned promotion on ex-cadre posts and on repatriation he will have to work in his Parent Cadre on a lower poast".

In view of the aforesaid judgement passed by the Hon'ble Supreme Court of India, the Petitioner ~~xx~~ cannot be allowed to continue as Divisional Accountant and by repatriating the Petitioner to his Parent Department, Articles 14 and 16 of the Constitution of India have not been violated.

13. That with regard to the statement made in paragraph 17, 18 and 19 of this Writ Petition, the Respondent has no comments to offer.
14. I beg to state that the Petitioner is not entitled to any relief. The Petitioner has hopelessly failed to bring out the Prima-facie

contd..12..

Prima-facie case in his favour and there being no arbitrariness, the Writ Petition is liable to be dismissed and the interim order granted needs review and to be vacated.

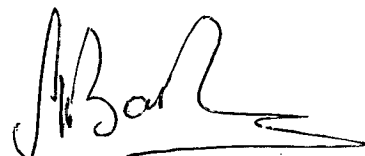
15. I beg to state that this Writ Petition is malafide and an interim order has been obtained by misleading this Hon'ble High Court for which it is a fit case for prosecuting the Petitioner.
16. That the present Writ Petition is liable to be dismissed solely on the ground of jurisdiction. This Hon'ble High Court lacks jurisdiction to adjudicate the case of the Petitioner who is purely a Central Government employee on deputation.
17. That this Affidavit-in-opposition is filed bonafide and in the interest of justice.
18. That the contents made in paragraph 1 and 2 of this Affidavit-in-opposition is true to my knowledge and those made in paragraph 3 to 13 are derived from records which I believe to be true and rest are humble submission before this Hon'ble Gauhati High Court. And I swear this Affidavit on 31st day of May, 2000 at Shillong.

Identified by
S. N. Singh

Shri S. N. Singh, BA. LLB
Advocate.
Shillong, Bar Association
Shillong-1

31st
I solemnly affirmed before this Hon'ble Court that the contents of the Affidavit are true to my knowledge and belief. The declarant identified himself as S. N. Singh, Advocate, Shillong, and is personally known to me. I certified that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

31/5
Commissioner of Affidavits
Gauhati High Court
Shillong Bench



DEPONENT

Dr. V. Narayan (A.G.)
Dr. Accountant General (Adm)
महालेखाकार (के.ए.ए) का कार्यालय
Office of the A.G. (A&E)
महानगरपालिका प्रमुख
Mayor, Shillong & A.P.

Memo No. Dn Cell/10-1/93-94/99-2000/1619

Date

1628 dt 24/12/99

Copy forwarded for information and necessary action to :

1. The Chief Engineer, (Power); Arunachal Pradesh;

Itanagar

He is requested to arrange for posting of Shri/Smti Habung Lalin

----- Divisional Accountant on deputation, on his repatriation to his parent Department. The concerned Executive Engineer has been asked to release Shri/Smti Habung Lalin on or before

12.1.2000.

2. The Superintending Engineer -----

3. The Executive Engineer -----

4. The Accountant General (I&E) -----

2/

- The Executive Engineer Bameung PW Dnn,

Bameung; A P. He is requested to release Shri/Smti Habung Lalin

of his Division on or before 12/1/2000 as his

term of deputation expires. He is also requested to

instruct Shri/Smti Habung Lalin

to report to his/her parent Department i.e. Office of the

Chief Engineer, (Power) Arunachal Pradesh

Itanagar in his/her release from your department. It may be noted

that no further extension of period of deputation will be granted to Shri/Smti Habung Lalin.

under any circumstances to avoid any complicity.

6. The Executive Engineer -----

He is requested to direct Shri/Smti -----

----- Dn/DAO of his/her Division to look after the work of the Divisional Accountant of the Office of the Executive Engineer -----

in addition to his/her normal duties with effect from

----- untill further order.

Contd....3

(28)

7. Shri/Smti _____
DAO Grade-I/II/Divisional Account of the Office of the
Executive Engineer _____

_____He/She is directed to look after the work
of the Divisional Account of the Office of the Executive
Engineer _____

w.e.f. _____A.N. in addition to his/her
normal duties, untill further order.

8. Shri/Smti Habung Lalin _____
Divisional Accountant on deputation, O/o the Executive
Engineer Bameng P.W. Vn; Bameng; AP.

He/She is hereby asked to report to his/her parent
Department, i.e. O/o the Chief Engineer _____

(P.O. Secy)
Asmachal Pradesh; Itanagar

9. Personal File of Shri/Smti Habung Lalin _____

10. Personal File of Shri/Smti _____

11. S.C. File.

12. E.O. File.

Senior Accounts Officer.

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CHIEF ENGINEER (POWER) DEPARTMENT OF POWER
NAHARLAGUN :: 791 110.

NO.CE(P)/Estt/E-III/1/99-2000/

Dtd.N/Lagun the th/
Feb, 2000

OFFICE ORDER

On joining of Shri Habung Lalin, Assistant to this office is hereby attached to Superintending Surveyor of Works(C) unit under the Chief Engineer (Power).

Engineer Officer
to Chief Engineer (Power)
Deptt. of Power, Naharlagun.

Memo. NO.CE(P)/Estt/E-III/1/99-2000/5510 15
Copy to :-

Dtd. 7/02/00

- ✓ 1) Office Order File.
- 2) The Superintending Engineer (E), APEC-I, Deptt. of Power, Naharlagun for information please.
- 3) The S.S.W. (Civil), O/o the CE(Power), Deptt. of Power, Naharlagun for information please.
- 4) Cashier, Zonal Office.
- 5) Shri Habung Lalin, Assistant.
- 6) Personal file of Person concerned.

Engineer Officer
to Chief Engineer (Power)
Deptt. of Power, Naharlagun.

SN - 120

1998 Supreme Court Cases (L&S) 31

(1997) 8 SCC 85

(BEFORE DR A.S. ANAND AND K.T. THOMAS, JJ.)

HARYANA STATE ELECTRICITY BOARD
AND ANOTHER

Appellants;

Versus

Respondent.

b HAKIM SINGH

Civil Appeal No. 6917 of 1997[†], decided on September 30, 1997

Appointment — Compassionate Appointment — Request for, after a long time (14 years in the present case) — Rejection of such request — Upheld — Request for compassionate appointment made when the deceased employee's son attained majority — The request rejected by the appellant-Board on the ground that departmental circulars prescribed maximum three years' time for making such request — The High Court holding that "In case of minor child the period of three years would be applicable from the date he becomes major" — High Court's interpretation set aside — If the family members of the deceased employee can manage for fourteen years after his death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance — The object of the provisions is ... to give succour to the family to tide over the sudden financial crisis befallen the dependants on account of the untimely demise of its sole earning member

(Paras 12, 13 and 16)

Haryana SEB v. Naresh Tanwar, (1996) 8 SCC 23 : 1996 SCC (L&S) 816 : JT (1996) 2 SC 542; *Umesh Kumar Nagpal v. State of Haryana*, (1994) 4 SCC 138 : 1994 SCC (L&S) 930 : (1994) 27 ATC 537; *Jagdish Prasad v. State of Bihar*, (1996) 1 SCC 301 : 1996 SCC (L&S) 303 : (1996) 32 ATC 238, relied on

Appeal allowed

K-O-M/18680/CLA

SN - 121

1998 Supreme Court Cases (L&S) 34

(1997) 8 SCC 372

(BEFORE SUJATA V. MANOHAR AND D.P. WADHWA, JJ.)

STATE OF PUNJAB AND OTHERS

Appellants;

Versus

Respondents.

INDER SINGH AND OTHERS

Civil Appeals Nos. 1293-1303 of 1995 with Nos. 8302 of 1995[†], 1939 of 1997, 7137-38 and 7145-47 of 1997, decided on October 3, 1997

A. Deputation — What it is — Held, is a service outside the cadre or the department on temporary basis — Words and phrases

B. Deputation — Repatriation from — The deputationist, held, is liable to be repatriated to his parent cadre/department on expiry of period of deputation — Repatriation from deputation, further held, cannot be resisted by an employee on the grounds that he has continued on deputation for a long time during which he earned promotions on ex-cadre posts, and that on repatriation he will have to work in his parent cadre on a lower post — He

[†] From the Judgment and Order dated 26-2-1996 of the Punjab and Haryana High Court in L.P.A. No. 757 of 1995

[‡] From the Judgment and Order dated 3-9-1994 of the Punjab and Haryana High Court in L.P.A.s Nos. 885-892 of 1994

the time of promotion
into Group B in a
change of channel —

ation — Avoidance of

structions issued by the
uted under the Marine
described the following
Channel II — Regional
statistics; Channel III —
V — Shrimp Farming.
of these channels of
obtained". Clause 10(3)
in the scale of pay of
days of completion of
n such channels as may
use 10(4) that "Options

ion for the channel was
-700 or it could also be
up B posts as Quality

tively as dealing with
2) is general in nature
specific categories of
to be read as part of a
s been conferred on all
ld be rendered otiose.
which in specific terms
conditions laid down in
ause (3), an employee
with the requirements
ssible to hold that while
t sub-clause, the rest of
the employees referred
employees in the matter
se 10 which deals with
omotion" only relate to
f option that has been
from Group C to a post
were holding a post in
visors, can exercise the
rticular channel. (Para 8)

K-O-M/T/18537/CLA

cannot also claim permanent absorption on deputation post — Displeasure, however, expressed over action of the appellant-State in continuing the respondents on deputation for a long period thus creating a false hope in the respondents that they would continue there till their retirement — Equity therefore invoked to permit such of the deputationists who had completed 20 years and were thus eligible to seek voluntary retirement — They were deemed to have continued on deputation till the date of the Supreme Court judgment, and their qualifying service for pension also to be determined accordingly — Rest of the persons liable to be repatriated — Retirement — Voluntary Retirement while on deputation — Qualifying service — Determination of, by taking into account deemed period of deputation — Punjab Police Rules, R. 21.25 — Police Act, 1861 — Equity — Constitution of India, Art. 142 — Power of the Supreme Court to make such order "as is necessary for doing complete justice"

C. Deputation — Authority competent to decide whether an assignment is a deputation — Held, such decision is to be taken by the authority which controls the service or post from which an employee is transferred on deputation

D. Deputation — Without consent of an employee — Held, not permissible

The respondents who were appointed as Constables in Punjab Police were taken on deputation to Criminal Investigation Department (CID) of Punjab Police. Provisions for deputation in CID are contained in Rule 21.25 of the Punjab Police Rules, 1934 (reproduced in para 4 of the judgment). While on deputation, they earned promotions on ad hoc basis and some of the respondents reached the rank of ad hoc Sub-Inspectors. After a long time, they were sought to be repatriated to their parent cadre as Constables or Head Constables, depending upon their position in the parent cadre.

Held:

Concept of "deputation" is well understood in service law and has a recognised meaning. "Deputation" has a different connotation in service law. The dictionary meaning of the word "deputation" is of no help. In simple words, "deputation" means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, that is to say, to another department on a temporary basis. After the expiry period of deputation, the employee has to come back to his parent department to occupy the same position unless in the meanwhile he has earned promotion in his parent department as per the recruitment rules. Whether the transfer is outside the normal field of deployment or not is decided by the authority which controls the service or post from which the employee is transferred. There can be no deputation without the consent of the person so deputed and he would, therefore, know his rights and privileges in the deputation post. (Para 18)

D.M. Bharati v. L.M. Sud, 1991 Supp (2) SCC 162 : 1991 SCC (L&S) 1193 : (1991) 17 ATC 310; *Railail Singh v. State of Gujarat*, 1990 Supp SCC 243 : 1990 SCC (L&S) 630 : (1991) 15 ATC 857; *Puranjit Singh v. Union Territory of Chandigarh*, 1994 Supp (3) SCC 471 : 1995 SCC (L&S) 95 : (1994) 28 ATC 518; *R. Prabha Devi v. Govt. of India*, (1988) 2 SCC 233 : 1988 SCC (L&S) 475 : (1988) 7 ATC 63, relied on

T. Shanmugam v. State of Karnataka, (1995) 2 SCC 538 : 1995 SCC (L&S) 537 : (1995) 29 ATC 383; *Narayan Yeshwant Gore v. Union of India*, (1995) 4 SCC 470 : 1995 SCC (L&S) 1040 : (1995) 30 ATC 566, distinguished

Narendra Chadha v. Union of India, (1986) 2 SCC 157 : 1986 SCC (L&S) 226, referred to

It is really harsh on the respondents to be sent back after they have served the CID for a number of years in higher rank though on ad hoc basis and now when they go back, they have to work either as Constables or Head Constables but the respondents will have to go back to their parent departments. Constables on deputation to CID have reached higher ranks and retired from CID in those ranks. A hope, though not true, is instilled in officers like the respondents that they would continue in the CID holding higher ranks till the age of superannuation. The conduct of the appellants now suddenly asking the respondents to go back to their parent departments when they have put in best years of their lives in CID would appear to be rather unjust. It would have been more appropriate for the appellant to repatriate the respondents after the expiry of the initial period of deputation or at least they should have been told the consequences of their continuing on deputation and sudden repatriation. It would also be more appropriate, considering the fact that the deputation in CID could be for

(Department of Expenditure)
New Delhi, the 8th September, 1988.

G.S.R. 749 - In exercise of the powers conferred by clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India, the President hereby makes the following rules to regulate the method of recruitment to the post of Divisional Accountant under the cadre control of the Accounts and Entitlement Offices of the Indian Audit and Accounts Department, namely :-

1. Short title and commencement - (1) These rules may be called the Indian Audit and Accounts Department (Divisional Accountant) Recruitment Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Number of post, classification and scale of pay. - The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit, qualifications, etc. - The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 14 of the said Schedule.

4. Disqualifications - No person, -

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, ~~married to a person who is a member of the Indian Audit and Accounts Department~~

shall be eligible for appointment to the said post :

Provided that the Comptroller and Auditor General of India may, if satisfied that such marriage, is permissible under the personal law applicable to such a person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax - Where the Comptroller and Auditor General of India is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving - Nothing in these rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons, in accordance with the orders issued by the Central Government from time to time in this regard as applicable to persons employed in the Indian Audit and Accounts Department.

Relaxation
27/8/99

Asstt. Accounts Officer
Off The Accountant General (A)
Malaya, Etc. Kshilam

SCHEDULE

Name of post	No. of post	Classification	Scale of pay	Whether selecti- on post or non-selecti- on post	Whether benefit of added years of service ad- missible under rule 30 of the Central Civil Ser- vice(Pen- sion) Rules 1972
1.	2.	3.	4.	5.	6.

1.	2.	3.	4.	5.	6.
Personal Accountant	2504*(1988) *Subject to variation dependent on work- load.	General Central Service Group 'C' Non-Gaze- tted Ministerial	Rs.1400-40- 1600-50- 2300-EB-60 -2600	Not applicable	No

7.	8.	9.	10.
Age limit for direct recruits	Educational and other qualifications requi- red for direct recru- its:...	Whether age and educational qua- lifications pre- scribed for direct recruits will apply in case of promo- tees.	Period of probation, if any.

Between 18 and 25 years Note: The crucial date for determin- ing age limit shall be as advertised.	Bachelor's degree of a recognised University. Note: The educational qualifications is relaxable under the or- ders of the Comptroller and Auditor General of India for specified ca- tegories of staff in the Indian Audit and Accounts Department and State Public Works Accounts Clerks.	Not applicable	2 years
---	--	----------------	---------

Method of recruitment whether by direct recruitment or by promotion or by depu- tation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/deputation/trans- fer grades from which pro- motion/deputation/transfer to be made.
11.	12.

Direct Recruitment. As stated in column 11

Note: 1. The direct recruits will be selected on the basis of an entrance examination conducted by an authority by the Comptroller and Auditor General of India. During the period of probation, they should qualify in the prescribed Departmental Examination.

Note: 2. Vacancies caused by the incumbent being away on transfer on deputation or long illness or sudy leave or under other circumstances for a duration of one year or more may be filled on transfer on deputation from -

(1) Accountants (Rs.1200-2040) and senior Accountants (Rs.1400-2600) (belonging to the Accounts and Entitle-
ment Office in whose jurisdiction the vancancies
have arisen) who have passed the Departmental Exami-
nation for Accountants and have 5 years regular ser-
vice as Accountant/Senior Accountant including 2 years
experience in Works section or

44
63

- 1) State Public Works Clerks holding posts equivalent to or comparable with that of Accountant/Senior Accountant on a regular basis for 5 years including 2 years experience in Public Works Accounts.

Note: 3. The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/Department of the Central Government shall ordinarily not exceed 3 years.

If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
13.	14.

Group 'C' Departmental Promotion Committee (for confirmations) consisting of :-

Not applicable

- (1) Senior Deputy Accountant General/Deputy Accountant General (dealing with the cadre of Divisional Accountants).
- (2) Any other Senior Deputy Accountant General or Deputy Accountant General or officer of equivalent rank (from an office other than the one in which confirmations are considered),
- (3) An Accounts Officer.

Note: These senior officer amongst (1) and (2) above shall be the Chairman.

P.No.A-12018/13/88-BG-1)

Attested
L. K. Konbari
27/7/89
Asstt. Accounts Officer
O/o The Accountant General (A&R)
Meghalaya, Etc, Shillong.

ZCZC ESHMSS0112 XXX ESHSHC EZ

X 1 CA7 ALONG 29 DI 052

ACCOUNTANT GENERAL

SHILONG

NO SE/ALONG/E-111/1/99-2000/226 DTD 21/3/2000 AAA REQUEST REF

SES

COORD PWD AP ITANAGAR NO SE/COORD/4/2000/8846-55 TD 11-2-2000

AAA RELEASE B D BHATTACHARJEE U D C ON DEPUTATION AS D ACCOUNTANT

IMMEDIATE AAA CONFIRM DATE OF RELEASE OF STATE OFFICIAL BY R

TN

SIGNAL AAA

SE ALONG CIVIL CIRCLE PWD

COL

===

===

ENLITB 0048

===

ENLCTR 0051 EGHCON0094 ESHMSS0140

NNNN

20- (18) 45
ANNEXURE-5
1 7
1 ACEH 31 3.00
61

Sub
2/2014

STATE EXPRESS TELEGRAM

TO
THE CHIEF ENGINEER (WZ)(EZ)
PWD
ITANAGAR

NO DA CELL/79 DT

AS DESIRED BY THE GOVERNMENT OF ARUNACHAL PRADESH
SHRI B D BHATTACHARJEE DA ON DEPUTATION IS REPATRIATED
TO HIS PARENT DEPARTMENT WITH IMMEDIATE EFFECT (.) MAKE
NECESSARY ARRANGEMENT FOR HIS POSTING (.) THE EXECUTIVE
ENGINEER, ALONG PHE HAS BEEN INSTRUCTED TELEGRAPHICALLY
TO RELEASE HIM IMMEDIATELY (.)

ACCOUNTS
MEGHALAYA

N T T

54/-
Sr. Accounts Officer

Memo No DA Cell/PC/BDB/51-62 dt. 5.4.2000.

Post copy forwarded to :

- 1) The Executive Engineer, Along PHE Dvn., Along, Arunachal Pradesh, with the request to release Shri B.D. Bhattacharjee, DA on deputation with the instruction to join his Parent Department. Intimate date of release to this office and also to all other concerned.
- 2) The Superintending Engineer, Along Civil Circle, Along, Arunachal Pradesh.
- 3) The Superintending Engineer, Coord), Capital Circle, PWD, Arunachal Pradesh.
- 4) The Superintending Engineer, Basar Circle, PWD, Basar, Arunachal Pradesh.
- 5) The Chief Engineer, (EZ) PWD, Itanagar.
- 6) The Chief Engineer, (WZ) PWD, Itanagar.
- 7) Shri B.D. Bhattacharjee, DA on deputation, O/O the Executive Engineer, Along PHE Dvn., Along, Arunachal Pradesh.

Sr. Accounts Officer.

OFFICE OF THE ACCOUNTANT GENERAL (AG) MEGHALAYA ETC,

SHILLONG,

No. DA Cell/1

Dated 5/4/2000

As desired by the Govt. of Arunachal Pradesh, Shri B. D. Bhattacharjee, D.A on deputation at present posted in Along PHE Division Along, Arunachal Pradesh is repatriated to his Parent Department i.e. Chief Engineer, PWD, Itanagar with immediate effect.

On being relieved of his duty from the office of the Executive Engineer, Along PHE Division, Along he is to report for further duties to the Chief Engineer PWD, Itanagar.

As required under para 384 of the Comptroller and Audit Auditor General's M.S.O. (Admn.) Vol I reproduced in Appendix- I of the C.P.W.A. Code, 2nd Edition 1964, the relieved official should prepare a memorandum reviewing the Accounts of the Division (in triplicate) which the relieving official should examine and forward promptly with his remarks to the Accountant General (AG) Meghalaya etc, Shillong, through the Divisional Officer, who will record such observations thereon as he may consider necessary. This memorandum is required in addition to the handing over memo of his charges to relieving Officer.

Authority: Senior Deputy Accountant General(Admn.),
Order dated 4/4/2000 at 2/4 in the file
No. DA Cell/PC/BDB

Sd/-

Senior Deputy Accountant General
(Admn.)

Memo No. DA Cell/PC/BDB/49-55.

dt 6.4.2000

Copy forwarded for information and necessary action to :-

1) The Chief Engineer, (WZ) PWD :Itanagar.

contd....2...

- 2 -

- 2) The Chief Engineer (EZ), PWD, Itanagar,
- 3) The Superintending Engineer, Along Civil Circle, Along, Arunachal Pradesh,
- 4) The Superintending Engineer, (Coord), Capital Circle, PWD; Arunachal Pradesh, Itanagar,
- 5) The Executive Engineer, Along PHE Division, Along, Arunachal Pradesh.
He is requested to release immediately Shri B.D. Bhattacharjee, DA on deputation with instruction to join to his parent Department.
- 6) Shri B.D. Bhattacharjee, DA on deputation. O/C the Executive Engineer, Along PHE, Division, Along.
- 7) P.C. file of Shri B.D. Bhattacharjee.

Poon
Senior Accounts Officer

STATE EXPRESS TELEGRAM

TO

~~EXEMPT~~

ALONG P H E DIVISION

ALONG

ARUNACHAL PRADESH

NO. DA CELL/71 DT

AS DESIRED BY THE GOVERNMENT OF ARUNACHAL PRADESH
SHRI B.D.BHATTACHARJEE DA ON DEPUTATION IS REPATRIATED
TO HIS PARENT DEPARTMENT @ WITH IMMEDIATE EFFECT (.)
RELEASE SHRI B D BHATTACHARJEE IMMEDIATELY AND INSTRUCT
HIM TO JOIN IN HIS PARENT DEPARTMENT (.) INTIMATE DATE OF
RELEASE TO S E ALONG CIVIL CIRCLE P W D AND ALL OTHER
CONCERNING AUTHORITIES AND ALSO TO THIS OFFICE (.)

ACCOUNTS
MEGHALAYA

N T T

Sd/-
Sr.Accounts Officer

Memo No. DA Cell/PC/BDB/72-78 dt. 5.4.2000

Post copy forwarded for information and necessary action to

- 1) The Executive Engineer; Along PHE Dvn; Along, Arunachal Pradesh.
- 2) The Superintending Engineer, Along Civil Circle, Along, Arunachal Pradesh. This has a reference to his telegram dt. 29.3.2000.
- ✓ 3) The Superintending Engineer, (Coord), Capital Circle PWD, Itanagar.
- 4) The Superintending Engineer, Basar Circle, PWD, Basar Arunachal Pradesh.
- 5) The Chief Engineer (EZ), PWD, Itanagar.
- 6) The Chief Engineer (WZ) PWD, Itanagar.
- 7) Shri B.D. Bhattacharjee, D.A. on deputation, O/O the Executive Engineer, Along PHE Dvn., Along, Arunachal Pradesh.

Sr. Accounts Officer.

D.A. Cell/Inward/26 dt 10/5/2000.

ANNEXURE-7

DA cell 25-

49/69

STATE

TELEGRAM

EXPRESS

TO

SENIOR ACCOUNTS OFFICER
ACCOUNTANT GENERAL
MEGHALAYA
SHILLONG.

01/4194
AA cell.

NO.CE(P)/ESTT/E-III/1/2000-01/ DTD AAA
24-1-2000 (FN) THE DATE OF JOINING OF SHRI HABUNG LALIN
EX-DA ON DEPUTATION TO HIS PARENT DEPARTMENT AAA

CHIEF POWER
NAHARLAGUN

N.T.T.

ENGINEER OFFICER
TO CHIEF ENGINEER (POWER)
DEPTT. OF POWER, NAHARLAGUN.

Memo No.CE(P)/Estt/E-III/1/2000-01/900

Dtd. 3/5/2000

Post copy forwarded for information and necessary action to :-

✓ The Sr. Accounts Officer, Accountant General Office, Meghalaya
Shillong.

Handwritten signature and initials.

Engineer Officer
to Chief Engineer (Power)
Deptt. of Power, Naharlagun.



GOVT OF ARUNACHAL PRADESH
DIRECTORATE OF ACCOUNTS & TREASURIES : NAHARLOGUN

(THROUGH FAX/SPEED POST)

No DA/TRY/15/99/9023

Dated Naharlogun the 15th Nov '99

To,

✓ The Accountant General (A&E)
Meghalay, Arunachal Pradesh etc. 2.A. cell
Shillong.

PL 7834
2504
dt 11/11/99

Sub:- Recruitment /posting of regular Divisional Accountants

Ref:- Your letter No DA/Cell/2-46/92-93/1241 dtd 4-10-99
& this office letter No DA/29/85/(Part)/6304 dtd 8-9-99

Sir,,

The issue of recruitment and posting of Divisional Accountants to 38 public works divisions of this state which are presently manned by deputationist were under active consideration of the state Government. The Govt of A.P has observed that prior to this correspondence under reference the state Govt. as well as this Directorate were never consulted while recruiting and posting of DAOs/DAs, though these posts were borned in the establishment of Executive Engineers and paid from the state exchequer. It has also been observed that prior to declaration of the State-hood (20-2-87), the cadres of the DAOs/DAs were enjoying pay scales without anomaly with the comparable status of Accountant/Assistant/Superintendent in the state Govt., working either in the Directorate of Accounts & treasuries as well as in other Directorates or in the District establishment. The Directorate of Accounts and Treasuries now express concern on the pay scales presently enjoying by the cadres of DAOs/DAs which were enhanced without having approval of the State Govt of A.P. The higher pay scales presently enjoying by the cadre of DAOs/DAs has been posing a problem for granting huge amount in the form of pay and allowances during the proposed training period of 38 Divisional Accountants.

The Govt of Arunachal Pradesh is of the view that recruitment and posting of the DAOs/DAs for 38 working Divisions of PWD may not be done at this stage, since final decision of the Govt is still awaited. The serving Divisional Accountants in the works Deptts on deputation basis may be allowed extension for a further period of two years from the date of expiry of their present respective tenure in the interest of public service. This will provide succour to the poor financial position of the state prevailing at the present time. This arrangement is proposed till view of the State Govt. in final shape could be put forward to your esteem office.

Yours faithfully,

(C. M. Mongmaw)

Joint Director of Accounts
Directorate of Accounts & Treasuries
Govt of Arunachal Pradesh

Fax No 0360 244281

Copy to :-

1. The P.S to the Hon'ble Chief Minister, Arunachal Pradesh, Itanagar for information of the Hon'ble Chief Minister.
2. The P.S to the Commissioner (Finance) Govt of A.P. Itanagar for information.
3. The P.S to the Commissioner PWD/Arundhara for information.

Sc B
PL per
G. A. Chave
2.11.99

- .. The Accountant General (Audit) Arunachal , Meghalaya etc Shillong for favour of information.
5. The Chief Engineer PWD (EZ / WZ) / RWD / PHED / IFCD / Power, for information please. They are requested to give continuation to the serving DAs who are on deputation , for a further period of 2 years on expiry of their present term of deputation & meanwhile they may please direct the Executive Engineer concerned not to accept joining report of new appointee(DA) without consulting the State Govt/ Directorate of Accounts and Treasuries , Naharlogun.
6. The Chief Accounts officer PWD (EZ / WZ) / RWD / PHED / IFCD / Power for information.
7. Office copy.

(C . M. Mongmaw)
Joint Director of Accounts
Directorate of Accounts & Treasuries
Govt of Arunachal Pradesh
Naharlogun



Encl NO. 8. 28-31
OFFICE OF THE ACCOUNTANT GENERAL(A&E),
MEGHALAYA, MIZORAM & ARUNACHAL PRADESH,
SHILLONG - 793 001

ANNEXURE-9

~~Annexure NO. 8~~

No. DA Cell/2-46/92-93/1698

Date : 07.01.2000

To

The Joint Director of Accounts,
O/o The Director of Accounts & Treasuries,
Government of Arunachal Pradesh,
Naharlugun,
ARUNACHAL PRADESH

Sub.: Recruitment/Posting of regular Divisional Accountant.

Sir,

In inviting a reference to your letter No. DA/TRY/15/99/9029 dated 15.11.1999 on the subject cited above, I am to inform you that this office is the cadre controlling authority for the cadres of DA/DAO/Sr. DAO in respect of the State of Manipur, Tripura and Arunachal Pradesh. Transfer and postings of DA/DAO/Sr. DAO is the sole responsibility of this office and these officials are transferred among these three

Temporary appointment of DAs on deputation is only a stop-gap arrangement. Further whenever a proposal for recruitment of regular DAs is considered, concurrence of the concerned State is sought for. In this regard, this office letter No. DA Cell/2-46/92-93/3365 dated 07.01.1998, addressed to the Secretary, Finance Department, Government of Arunachal Pradesh, Itanagar, may please be referred to.

Further, I am to state that as per Recruitment Rules, published in the Gazette of India dated 24.09.1988, the period of deputation cannot be extended beyond three years. Hence, your request for extension of the deputation terms of the deputationist Divisional Accountants beyond three years and for a further period of two years cannot be acceded to.

Yours faithfully,

Sr. Dy. Accountant General (Admn)

Sr. Dy. Accountant General (Admn)