

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

M.P-46/2002 order sheet pg-1  
withdrawal. Date-04/04/2002

O.A/T.A No. 26/2001.....  
R.A/C.P No.....  
E.P/M.A No. 46/02.....

1. Orders Sheet. O.A. 26/2001..... Pg..... 1 ..... to ..... 4 .....  
2. Judgment/Order dtd. 04/04/2002 ..... Pg. N.O. Separated to Order. Withdrawal.  
3. Judgment & Order dtd..... Received from H.C/Supreme Court  
4. O.A. 26/2001..... Pg..... 1 ..... to ..... 21 .....  
5. E.P/M.P. No. 46/02 ..... Pg. 1 ..... to ..... 9 .....  
6. R.A/C.P. N.I.L ..... Pg..... to .....  
7. W.S. Respondents - 1 to 4 ..... Pg. 1 ..... to ..... 4 .....  
8. Rejoinder ..... Pg..... to .....  
9. Reply ..... Pg..... to .....  
10. Any other Papers ..... Pg..... to .....  
11. Memo of Appearance .....  
12. Additional Affidavit Submitted by the applicant. Pg. 1 to 6.  
13. Written Arguments .....  
14. Amendment Reply by Respondents .....  
15. Amendment Reply filed by the Applicant .....  
16. Counter Reply .....

SECTION OFFICER (Judl.)

## CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI-5

ORIGINAL APPLICATION NO. 26/2001

Sri. Sudhanshu Ranjan Paul, Applicant.  
versus Choudhury

Union of India &amp; Ors . . . . . Respondents.

For the Applicant(s) Mr. M. Chanda.  
Mrs. N. D. Gopwani  
Mr. A. Del Roy,  
S. C. G. S. ....

For the Respondents.

## NOTES OF THE REGISTRAR

DATE ORDER

24.1.01 Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman and Hon'ble Mr. K.K. Sharma, Administrative Member.

Heard Mr. M. Chanda learned counsel for the applicant and also learned counsel for the respondents.

Application is admitted. Issue notice on the respondents. Call for records. Returnable by 4 weeks. List on 22.2.01 for orders.

M. Chanda  
Dy. Registrar

B

K. K. Sharma  
Member

Vice-Chairman

1m

25/1/01

22.2.01 List on 13.3.01 to enable the respondents to file written statement

K. K. Sharma  
Member

Vice-Chairman

1m

13.3.01 List on 11-4-01 to enable the respondents to file written statement.

K. K. Sharma  
Member

Vice-Chairman

1m

① Service report are still awaited.

By  
20.2.01

12.3.01

11.4.01 No written statement so far filed.

No WS filed.

Two weeks time is allowed on the prayer of learned counsel for the respondents.

List on 18.5.01 for filing of written statement as a last chance.

Vice-Chairman

1m

18.5.01 On the prayer of learned C.G.S.C. counsel for the respondents three weeks time is granted for filing of written statement as a last chance.

List on 12.6.2001 for orders.

28.5.01  
12.6.01K.C. Shaha  
Member

Vice-Chairman

12.6.01

As inspite of the stop order dated 18-5-2001 written statement has not been filed, list the case for hearing on 28.8.01.

No written statement has been filed.

K.C. Shaha  
Member

Vice-Chairman

bb

28.8.01

There is no Division bench today. The case is adjourned to 11.9.2001.

B.G.

AKD

28.8.01

11.8.01 Despite the order from the Tribunal the respondents failed to submit any written statement. Accordingly on 12.6.2001 this case was listed for hearing on 28.8.2001. Since there was no Bench on 28.8.2001 the case was listed for hearing on 11.9.2001. Before the matter was taken up for hearing Mr. A. Deb Roy, learned Sr.C.G.S.C. submitted that a communication was to respondent no.5 was <sup>today in his</sup> ~~in his~~ Contd..

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

11.9.2001

returned to him as undelivered. Apart from respondent no. 5 there were respondents to whom notices were sent from the office by registered post, those were not returned as undelivered. Be that as it may, at the instance of the respondents one more opportunity is given to the respondents to file written statement if any, within four weeks from today subject to payment of cost of Rs. 1000/- . The applicant may file rejoinder if any on filing of any such written statement within a period of 10 days from the date of receipt of the copy of the written statement.

List the matter for hearing on 12.11.2001.

I C Charny

Member

Vice-Chairman

trd

12.11.01

Prayer has been made by Mr. A. Deb Roy, learned Sr. C.G.S.C. for adjournment. Prayer is allowed.

List on 5/12/01 for hearing.

I C Charny

Member

Vice-Chairman

mb  
5.12.01

Sri A. Deb Roy, learned Sr. C.G.S.C. for the respondents prays for time on the ground that he will file written statement. Prayer is allowed. Mr. K. Chanda has no objection on the prayer.

List on 10.1.02 for hearing.

Member(J)

I C Charny  
Member(A)

Order dtd 11/9/01  
Communicated to the  
Parties concerned.

Vide D/N No.

dated

Br  
12/9/01

No. written statement  
has been filed.

Br  
9.1.02.

(4)

## Notes of the Registry

Date

## Order of the Tribunal

13.9.200110.1.02

On the prayer of learned counsel for the respondents the case is adjourned. List again on 14.2.2002 for hearing.

K.C.Usha  
Member

Vice-Chairman

mb

14.2.0221.1.2002

WFS on behalf of the respondents No. 1 to 4, has been submitted.

A

Mr. H.Dutta, learned counsel for the applicant submitted that he has received the copy of written statement today only and prays for time for going through the same. Prayer allowed. List the matter on 14.3.2002 for hearing. In the meantime the counsel for the respondents shall obtain necessary instructions.

K.C.Usha  
Member

Vice-Chairman

trd

14.3.2002

None appears for the applicant. Mr.S.Dutta appearing on behalf of Mr.M. Chanda, learned counsel for the applicant has prayed for a little accommodation.

Prayer accepted. List the case on 4.4.2002 for hearing.

K.C.Usha  
Member

Vice-Chairman

bb

4.4.02

Mr.M.Chanda learned counsel for the applicant makes prayer for change the application with liberty to file a fresh application impleading few more respondents. Mr.A.Deb Roy, Sr.C.G.S.C. has no objection. Prayer is accepted. Application is dismissed on withdrawal. The liberty is given to the applicant to file a fresh application if he aggrieved.

K.C.Usha  
Member

9.4.2002  
Copy of the order has been sent to the office for issuing the notice to the L/Advocates for the parties.

A

Copy 10/4

Central	Sub. al
131	22 JAN 2001
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL	
Guwahati Bench	

6

(An Application under Section 19 of the Administrative Tribunals Act, 1985.)

Title of the Case : O.A. No. 26 /2001

Sri Sudhangshu Ranjan Paul : Applicant  
Choudhury

-versus-

Union of India & Ors. : Respondents

I N D E X

Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-11
2	-	Verification	12
3	1	Letter dt. 5.4.2000	13-14
4	2	Letter dt. 26.4.2000	15
5	3	Letter dt. 15.5.2000	16-18
6	4	Office Order dt. 25.9.2000	19
7	5	Representation dt. 21.8.2000	20
8	6	Forwarding letter dt. 21.8.2000	21

Date : 22/1/2001

Filed by  
N.D. Goswami  
Advocate

Filed by me application  
for the same  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985).

## BETWEEN

-AND-

1. The Union of India  
represented by the Secretary,  
Government of India  
Department of Expenditure  
Ministry of Finance,  
New Delhi.

2. The Controller General of Accounts,  
Ministry of Finance,  
Department of Expenditure,  
7th Floor, Lok Nayak Bhawan,  
Khan Market,  
New Delhi-110003

3. Sr. Accounts Officer (Admn)  
Principal Accounts Office  
Ministry of Information and Broadcasting,  
H-Block, Tropical Building  
Connaught circus,  
New Delhi-110001

Contd...

Sundar Singh Rayan from Andhra

4. Sr. Accounts Officer (Admn.)

Ministry of Home Affairs

North Block,

New Delhi-110001

5. Sri G.C. Boro

Sr. Accounts Officer

G.M.S.D., Ministry of Health and

Family Welfare, Guwahati.

DETAILS OF APPLICATION.

1. Particulars of the orders against which the application is made.

This application is made against the order bearing No. 200/5/2000 Pr AO/MHA/3710-15 dated 25.9.2000 issued by the Respondent No.4 where by the respondent, Sri G.C. Boro, AAO, MHA to the post of PAO, under the Ministry of Health and Family Welfare without considering the case of promotion of the present applicant who is senior to Respondent No5, in the cadre of Assistant Accounts Officer and further praying for a direction to promote the applicant to the post of PAO, at least with effect from the date of promotion of Respondent No.5, with all consequential benefit including monetary benefit.

2. Limitation

The applicant begs to state that the instant application has been directed against the order dated 25.9.2000 and hence the same is well within the limitation period prescribed under section 21 of the Administrative Tribunals Act, 1985.

Contd.....

*Abongshu Rayan Baruah*

3. Jurisdiction

The applicant further begs to state that the subject matter of the instant application is well within the jurisdiction of this Hon'ble Tribunal.

4. Facts of the Case

4.1 That the applicant is a citizen of India and a permanent resident of India as such he is entitled to all the rights and protection as guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the applicant initially appointed in the year 2.9. 1965 as Uppen Division Clerk in the A.G. office, Shillong, Assam and while working in A.G. office the applicant was permanently transferred to the Establishment of Controller General of Accounts, Ministry of Finance and thereafter in the year 1982 the applicant passed S.A. S. Examination and he was promoted to the post of Junior Accounts Officer on 31.1.83.

4.3 That thereafter the applicant was promoted to the post of Assistant Accounts Officer on 1.4.87. The Ministry of Finance prepared a Gradation list of Assistant Accounts Officer in the year 1997 where the present applicant's name is figured at serial No. 222. But the name of Sri G. C. Boro, respondent no.5 was not in that list for the reason's best known to the respondents. It is stated that the respondent No.5 Sri G.C.Boro passed S.A. Examination during the year 1993. Therefore, in the cadre of Junior Accounts Officer as well as in the cadre of Assistant Accounts Officer, respondent No. 5 is junior

Contd...

Sudhangshu Rayan Pathak and Ray

to the present applicant. The applicant urge to produce the copy of the gradation list as on 30.1.1997 at the time of hearing.

4.4 That your applicant begs to state that the next avenue of promotion is Accounts Officer/Pay and Accounts Officer in the establishment of Controller General of Accounts, Ministry of Finance. As per recruitment rule this promotion is made on the basis of seniority-cum- fitness. It is further stated that as per recruitment rule eight years regular service is required in the cadre of Junior Accountant/Assistant Accounts Officer for regular promotion to the cadre of Accounts Officer/Pay and Accounts Officer. The present applicant has already acquired eligibility long back for regular promotion to the cadre of Accounts Officer/Pay and Accounts Officer. In this connection it is relevant to mention here that the present applicant is the seniormost Assistant Accounts Officer in North Eastern Region presently posted in the office of the Pay and Accounts Officer, Doordarshan, Guwahati, Ministry of Information and Broad Casting. The applicant as such expecting his regular promotion to the cadre of Accounts Officer/Pay and Accounts Officer. But most surprisingly the respondent No.5 and Sri G.C.Boro, A.A.O., of the Ministry of Home Affairs, Shillong has been promoted as Pay and Accounts Officer, in pursuance of Controller General of Accounts impugned Office Order No. 65/2000 issued under letter No. 32014/1/2000/MF. CGA(A) Gr.B/Vol.1/2552-53 dated 12.7.2000. Again the Chief Controller of Accounts was pleased to appoint respondent No.5 as Pay and Accounts Officer vide Office

*Sudhanshu Rayan Pathak*

Order No. 98 dated 7.9.2000 in the scale of pay of Rs. 7500-2500-12000 with effect from the date Shri G.C. Boro assumes charge of higher responsibilities. The promotion/appointment of respondent No.5 is being made in supersession of the legitimate claim of the applicant. In this connection it is relevant to mention here that the office of the Controller General of Accounts, New Delhi invited applications from volunteers from amongst Pay and Accounts Officers for posting at outstation or from AAO for ad hoc promotion as Pay and Accounts Officer at ~~Calcutta, Ahmedabad, Rajkot, Bhubaneswar, Nagpur, Gazipur, Shillong, Guwahati and Bhopal~~ vide letter No. A-22013/1/98/MF.CGA(A)/Gr.B/Vol.I/2110-70 dated 5.4.2000. It is categorically stated in the said letter that names of Assistant Accounts Officer with minimum eight years of continuous service in the ~~grade~~ Grade Junior Accounts Officer/Assistant Accounts Officer who are willing to be considered for posting as Pay and Accounts Officer on ad hoc basis at the aforementioned stations may kindly be sent to this office of the Controller General of Accounts, New Delhi, urgently. Similarly, another letter was circulated from the Ministry of ~~Information and Broadcasting~~ <sup>Board</sup>, Government of India in the Principal Accounts Officer inviting applications from volunteers for posting in the aforementioned stations as ad hoc Pay and Accounts Officers vide letter No. G-11094/1/99/PAO/Admn/85 dated 26.4.2000. The present applicant in pursuance of the letter dated 5.4.2000 and 26.4.2000 submitted his option for posting on promotion as Pay and Accounts Officer alongwith details and also with an undertaking that ~~he~~ even on his ad hoc promotion to the post of Pay and Accounts Officer at Guwahati he shall not

*Sudhangshu Roychowdhury*

seek transfer to any other station till the date of his retirement as on 30.9.2001. This undertaking and particulars including option of the present applicant was forwarded to the Ministry of Information and Broadcasting New Delhi by the Pay and Accounts Officer, Doordarshan, Guwahati through his forwarding letter bearing No. PAO/NER/Admn/1-5/2000-2001/888 dated 15.5.2000. But it appears that although the option of the applicant was duly forwarded immediately after circulation of the letter dated 5.4.2000 and 26.4.2000 but even then case of the applicant was not considered due to the reasons best known to the respondents although the applicant is quite senior to the respondent No.5 and earned eligibility for promotion to the cadre of Pay and Accounts Officer/ Accounts Officer long back. The applicant is highly shocked on receipt of the impugned promotion order issued vide Office Order bearing No. 200/5/2000 Pr. A.O/MHA/ 3710-15 dt. 25.9.2000 whereby respondent No.5 is promoted to the post of Pay and Accounts Officer and posted at Guwahati Medical Store Depot under the Ministry of Health and Family Welfare ignoring the legitimate claim of the present applicant which is violation of Article 14 of the Constitution. As such the impugned order of promotion dated 25.9.2000 as well as the CGA's Office Order dated 12.7.2000 and Office Ordering bearing No. 98 dated 7.9.2000 issued by the Chief Controller of Accounts are liable to be set aside and quashed. In this connection it is relevant to mention here that the impugned letter dated 12.7.2000 and 7.9.2000 issued by the Controller General of Accounts and ~~Chief~~ Chief Controller of Accounts, New Delhi ~~should~~ not be obtained by the applicant in spite

*Sudhanshu Rayan* *for Amulya*

of his best efforts, therefore Hon'ble Tribunal be pleased to direct the respondents to produce the said orders before the Hon'ble Tribunal at the time of hearing.

Copy of the letter dated 5.4.2000, 26.4.2000, and forwarding letter dated 15.5.2000 alongwith option/undertaking of the applicant are annexed as Annexures-1, 2, 3 & 4 respectively.

4.5 That your applicant further begs to state that on 21.8.2000 the applicant also submitted a representation to the Controller General of Accounts, New Delhi through proper channel stating inter alia that one post of Pay and Accounts Officer is lying vacant at Guwahati in the Ministry of Health and Family Welfare since 1.8.2000 and he has requested the Controller General of Accounts for consideration of his case for promotion to the post of Pay and Accounts Officer in the Vacant post available at Guwahati on the ground that he is the senior most Assistant Accounts Officer serving at Guwahati and he is due for retirement on superannuation on 1.10.2001.

Moreover he is suffering from chronic backache since 1986 and his wife is also serving in the Education Department at Guwahati, Government of Assam and the said representation was duly forwarded to the Office of the Controller General of Accounts, although the same was addressed to Senior Accounts Officer, Principal Accounts Office, New Delhi. But even thatn the case of the applicant has not been considered by the Controller General of Accounts, Ministry of Finance, Department of Expenditure, New Delhi for the reasons best known to the respondents. The promotion of respondent No.5 ignoring

Contd...

*Indranil Rayamajhi*

the legitimate claim of the present applicant is highly arbitrary, unfair and illegal and the same is also violative of Article 14 of the Constitution of India.

There is no cogent reason to ignore the case of the applicant for promotion to the post of Pay and Accounts Officer. Therefore the impugned order of promotion dated 25.9.2000 is liable to be set aside and quashed.

Copy of the representation dated 21.8.2000 and forwarding letter dated 21.8.2000 are annexed as Annexures-5 & 6 respectively.

4.6 That your applicant finding no other alternative approaching this Hon'ble Tribunal for protection of his fundamental right by setting aside the impugned order of promotion dated 25.9.2000 and also praying for a direction upon the respondents to promote the applicant at least from the date of promotion of Respondent No.5 to the post of Pay and Accounts Officer with all consequential service benefits including monetary benefits.

4.7 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions :

5.1 For that the applicant is senior to respondent No.5 and also earned eligibility for promotion to the post of Accounts Officer/Accounts Officer long back.

5.2 For that promotion of the respondent No.5 to the cadre of Pay and Accounts Officer ignoring the legitimate claim of the applicant is violative of Article 14 of the Constitution.

Contd.....

*Shri Dangshu Rayan Pal and*

5.3 For that the applicant submitted his ~~representation~~ option in response to the circular dated 5.4.2000 and 26.4.2000 which was duly forwarded by the local head of office vide his letter dated 15.5.2000 as such ignoring the claim of the applicant for consideration of promotion to the post of Pay and Accounts Officer/Accounts Officer is contrary, arbitrary, unfair and illegal.

5.4 For that the applicant also submitted representation dated 21.8.2000 for consideration of his promotion against two vacant posts at Guwahati but the same is seems to be rejected in view of the impugned order dated 25.9.2000 without disposing the representation of the applicant.

5.5 For that the applicant is fast approaching for retirement as such he is entitled to be considered for promotion on priority basis.

5.6 For that the applicant is entitled to be considered for promotion as per the recruitment rule on priority basis over the claim of promotion of respondent No.5.

6. Details of remedies exhausted :

That the applicant begs to state he has no other alternative and other efficacious remedy than to file this application. Representations through proper channel was submitted by the applicant but the same has not been disposed of.

Contd...

Indranil Roy and Son

7. Matters not previously filed or pendent with any other Court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause that may be shown, be pleased to grant the following reliefs :

- 8.1 That the impugned order of promotion issued under Office Order No. 200/5/2000 Pr. AO/MHO/ 3710-15 dated 29.9.2000 and CCA Office Order No. 32014/1/2000/MF CGA (A)/Gr.B/Vol.1/2552-53 dated 12.7.2000 and Chief Controller of Accounts Office Order No. 98 dated 7.9.2000 be set aside and quashed.
- 8.2 That the respondents be directed to promote the applicant to the post of Pay and Accounts Officer, at Guwahati under the Ministry of Health and Family Welfare at least from the date of promotion of respondent No.5 with all consequential service benefit including monetary benefit.

*Sudangshu Ranjan Baruah*

8.3 Costs of the Application.

8.4 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for :

Pending disposal of this application, an observation be made that the pendency of this application shall not be a bar for the respondents to grant promotion to the applicant to the post of Pay and Accounts Officer/ Accounts Officer, more so in view of the Section 19(4) of the Administrative Tribunals Act, 1985 and also prays that the instant application be disposed of expeditiously.

10. This application is filed bona fide and for the cause of justice.

11. Particulars of the I.P.O.

i.	I.P.O. No.	: 66 77 1824
ii.	Date of Issue	: 29/12/2000
iii.	Issued from	: G.P.O., Guwahati.
iv.	Payable at	: G.P.O., Guwahati.

12. List of enclosures :

As stated in the Index.

*Indrajit Royan Paul*

VERIFICATION

I, Sri Sudhangshu Ranjan Pal Chowdhury, son of Late D. R. P. Chowdhury, aged about years, working as Assistant Accounts Officer, office of the Pay and Accounts Officer, (TV), Doordarshan, Guwahati, do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 22nd day of January, 2001.

Sudhangshu Ranjan Pal Chowdhury

Signature

Annexure-1

A-22013/1/98/MF.CGA (A)/Gr. B/Vol/2110-70

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF EXPENDITURE  
CONTROLLER GENERAL OF ACCOUNTS  
LOK NAYAK BHAVAN  
KHAN MARKET, NEW DELHI

Dated 05.04.2000

To

All CCAs/CAs/Dy. CAs  
New Delhi

Subject : Volunteers from amongst Pay & Accounts Officer for posting at Outstations or from AAOs for ad hoc promotion as Pay & Accounts Officer at (1) Calcutta, (2) Ahmedabad (3) Rajkot (4) Bhubaneswar, (5) Nagpur (6) Ghazipur (7) Shillong (8) Guwahati & (9) Bhopal.

Madam/Sir,

I am directed to state that vacancy in the cadre of Pay & Accounts Officer exist or are likely to arise in the near future at following stations :

(1) Calcutta (2) Ahmedabad (3) Rajkot (4) Bhubaneswar  
(5) Nagpur (6) Ghazipur (7) Shillong (8) Guwahati and  
(9) Bhopal.

2. The names of Asstt. Accounts Officer with minimum 8 years of continuous service in the grade of JAO/AAO who are willing to be considered for posting as Pay & Accounts Officers on adhoc basis at above stations may kindly be sent to this office urgently.
3. The Pay and Accounts Officers/Sr. Accounts Officers working elsewhere may also opt in writing for posting at these stations on transfer basis.
4. In case of Asstt. Accounts Officer, the transfer to the stations volunteered will be on permanent basis and no request for retransfer to their original station or any other station will be entertained in between and also service as adhoc Pay & Accounts Officer will not count for seniority or for regular promotion in the PAOs cadre. An undertaking to this effect may therefore be obtained from the concerned Asstt. Accounts Officer and furnished to this office alongwith your recommendations. Also, it may please be confirmed that no disciplinary proceedings have been initiated or are likely to be initiated against him.
5. The CR dossier of AAOs (Complete in all respect, including CR for 1998-99) may please be sent. The particulars of such Asstt. Accounts Officer may please be furnished in the proforma given below :

*Shrengshu Rayan Paul Choudhury*

Sl.No.	Name	Date of birth	Date of appointment in Govt. Service	Date of continuous service as JAO/AAO	Whether he is within the Cadre or not
--------	------	---------------	--------------------------------------	---------------------------------------	---------------------------------------

Note : If he is not available in the Cadre due to deputation, long leave etc. the date of expiry of the present term of deputation/spell of leave etc. may please be intimated.

Yours faithfully,

Sd/-

(S.N.SAHI)  
Asstt. Controller General of Accounts

Copy to : All Nodal Offices at Outstations with the request to circulate the contents to all concerned in the station.

Sd/-

Asstt. Controller General of Accounts

*Sudhanshu Rayan Lal Rautray*

Annexure-2

GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION & BROADCASTING  
PRINCIPAL ACCOUNTS OFFICE

11 Block Tropical Building  
Connaught Circus,  
New Delhi-110001

Ref No. G-11094/1/99/PAO/Admn/85      Dt. 26.4.2000

To

All PAOs & Divisions

Sub : Volunteers from amongst Pay and Accounts Officers for posting at Outstations or from AAOs for adhoc promotion as Pay and Accounts Officer at (1) Calcutta (2) Ahmadabad (3) Rajkot (4) Bhubaneswar (5) Nagpur (6) Ghazipur (7) Shillong (8) Guwahati and (9) Bhopal.

Sir/Madam,

I am directed to enclose a copy of CGA's Circular letter No. A-22013/1/98/MF.CGA(A)/Gr.'B'/Vol.I/2110-70 dated 5.4.2000 on the subject cited above.

You are requested to kindly forward the names of volunteers from amongst Pay and Accounts Officer and Asstt. Accounts Officers with requisite experience and who are willing to be considered for posting as PAOs on ad hoc basis, to this office by 10th May, 2000 positively.

A 'NIL' report may please be sent in case there is no volunteers.

This may kindly be accorded Top Priority.

Yours faithfully,

Enclo : As above

Sd/-

( G.R. MAHAJAN)  
SR. ACCOUNTS OFFICER (ADMN)

*W.D. Ganguly, Rajan Pandit and others*

Pay and Accounts Office, Doordarshan  
Ministry of Information and Broadcasting  
Hazarika Bhawan  
Guwahati-3

PAO/NER/Admn/1-5/2000-2001/888 Dated 15.5.2000

To

Shri G.R. Mahajan  
Sr. Accounts Officer (Admn)  
Pr. Accounts Office,  
M/O Information & Broadcasting  
H-Block, Tropical Building  
Connaught Circus  
New Delhi-110001

Sub : Volunteers from Assistant Accounts Officer for  
ad hoc promotion as Pay & Accounts Officer at  
Guwahati/ Shillong.

Sir,

With reference to your letter No. G.11094/1/99/PAO/A  
Admn/85 dated 26.4.2000 received on 15.5.2000 on the  
subject cited above, I am to forwarded herewith option in  
duplicate for station(s) for posting on promotion as Pay  
& Accounts Officer in respect of Sri S. R. Paulchoudhury,  
A.A.O., and Sri M. Das Gupta, A. A.O., as per proforma  
enclosed herein.

This for favour of your information and necessary  
action please.

Enclo : As stated

Yours faithfully,

Sd/-

(T.K.DUTTA)  
PAY AND ACCOUNTS OFFICER  
DOORDARSHAN, GUWAHATI.

*Subroto Ranjan Paul Choudhury*

To :

The Controller General of Accounts,  
Ministry of Finance, Expenditure,  
7th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-3

Dated 15.05.2000

(Through Proper Channel)

Sub : Volunteers from Assistant Accounts Officer for ad hoc promotion as Pay and Accounts Officer at Guwahati.

Sir,

In inviting a reference to Controller General of Accounts letter No. A 22013/1/98/MFCCA (A)/Gr. B/Vol-I/ 2110-70 dt. 5/4/2000. I have the honour to offer myself as a candidate for adhoc promotion as Pay and Accounts Officer at Guwahati. Necessary particulars in this regard I have furnished below for your kind perusal.

Sl.No.	Name	Date of Birth	Date of appointment in Govt. Service	Date of continuous as JAO/AAO	Whether he is within the cadre or not
222 as par Gr. list of AAO as on 30.01. 97	Sudhangshu Ranjan Paul choudhury	01/10/ 1941	21.09.65	2.12.81 as adhoc JAO & 31.1.83 as regular (Without reversion & from 1.4.87 as AAO	Yes within the cadre

Yours faithfully

Sd/-

(Sudhangshu Ranjan Paul Choudhury)  
Pay & Accounts Office,  
Doordarshan, Guwahati

Sudhangshu Ranjan Paul Choudhury

UNDERTAKING

As per Controller General of Accounts Circular No. A-22013/1/98/MF. CGA(A)/Gr.B/Vol1/2110-70 dated 5.4.2000 I am to give this undertaking that event of my adhoc promotion to the post of Pay & Accounts Officer at Guwahati I shall not seek transfer to any other station till the date of my retirement as on 30.09.2001.

Sd/- Sudhangshu Ranjan Paul  
Choudhury,  
Asstt. Accounts Officer  
Pay & Accounts Office,  
(Doordarshan), Guwahati.

Sudhangshu Ranjan Paul Choudhury

GOVERNMENT OF INDIA  
PRINCIPAL ACCOUNTS OFFICE  
MINISTRY OF HOME AFFAIRS  
NORTH BLOCK, NEW DELHI-110001

No.200/5/2000 Pr AO/MHA/2310-15 Dated 25.9.2000

OFFICE ORDER

In pursuance of CGA Office Order No.65/2000 issued under No. A.32014/1/2000/MF.CGA (A)/Gr.B/Vol.I/ 2552 53 dated 12.7.2000, Chief Controller of Accounts (Health) is pleased to appoint Sh. G.C.Baro, AAC as PAO vide their office order No. 98 dated 7.9.2000 in the scale of pay 7500-250-12000 w.e.f. the date he assumes the charge of higher duties.

Sh. G.C.Baro, AAO, MHA may be relieved immediately and directed to report Sr. Accounts Officer for duty as PAO to G.M.S.D. M/o Health & Family Welfare, Guwahati.

Sd/-

(ANIL SUD)  
Sr. Accounts Officer (Admn)

Copy to :

1. Asstt. C.G.A., O/o Controller General of Accounts, Lok Nayak Bhawan, New Delhi.
2. I.A., Shillong, (MHA) : Sh. G.C. Baro may be relieved under intimation to this office.
3. Sh G.C.Baro, AAO, IA (Party) MHA, Shillong.
4. PAO, G.M.S. D. M/o Health & Family Welfare, Guwahati.
5. Officer Order file
6. CR Seat
7. Office Copy.

*Attest  
Anil Sud  
Admn  
Office*

*Sudhangshu Roychowdhury*

From

S.R.Paul Chaudhury, AAO  
O/o the Pay & Accounts Office(TV)  
M/o Information & Broadcasting  
Hazarika Bhavan,  
Guwahati-3.

To

The Controller General of Accounts,  
Ministry of Finance, (Deptt. of Expdtr.).  
Lok Nayak Bhavan, Khan Market,  
7th Floor,  
New Delhi-110003.

Dated 21.8.2000

(Through Proper Channel).

Sub : Option for posting as Pay & Accounts Officer at Guwahati.

Respected Sir,

I have the honour to state that a post of Pay & Accounts Officer has been lying vacant at Guwahati in the Ministry of Family Welfare (Store Deptt.), Guwahati from 1.8.2000, I beg to offer my candidature for the post. As in the meantime, I will be due for promotion being the seniormost person in the cadre in this region. Myself will be due for retirement on superannuation on 1.10.2001.

In this connection, I am to state that in event of my transfer on promotion as PAO to other station it may not be possible on my part to accept the offer due to the following reasons :-

- 1) Chronic back-ache patient treated in All India Institute of Medical Science, New Delhi since 1986 onwards.
- 2) My wife is serving in the Education Deptt., Assam, Dibrugarh, Guwahati, Transfer will have profound disturbing effect on the members of my family.
- 3) It will be well nigh impossible on my part to maintain two establishment with meagre income.

Incidentally it may be pointed out here that in the earlier option for staying at Guwahati was submitted for consideration in the month of May '2000 (Copy enclosed for ready reference).

In the above fact and circumstances I request your benignself to accommodate me in the post of P.A.O. at Guwahati, so that I can have a seign of relief and for this act of kindness I shall remain ever grateful to you.

Yours faithfully,  
Sd/- S.R.Paul Chaudhury  
Asst. Accounts Officer,

*Subrangshu Ray in his handwriting*

Annexure-6

PAO/NER/Admn/1-5/2000-01/10-12

21.8.2000

To

The Joti Prakash,  
Sr. Accounts Officer,  
Pr. Accounts Office,  
M/O I & B, H-Block, Tropical Bldg.,  
Connaught Circus,  
New Delhi-110001

Sub : Representation for posting as PAO at Guwahati  
in respect of Sri S.R. Paul Choudhury, AAO.

Sir,

I am forwarding herewith an application submitted  
by Shri S.R. Paul Choudhury, AAO, for onward transmission,  
to the Controller General of Accounts, M/O Finance, Deptt.  
of Expenditure, Lok Nayak Bhawan, ~~Ministry of Finance~~,  
~~Department of~~ Khan Market, 7th Floor, New Delhi-110003 for  
consideration and necessary action please.

Yours faithfully,

Sd/-

(T.K. Dutta)  
Pay & Accounts Officer,  
Doordarshan, Guwahati.

केन्द्रीय प्रशासनिक अधिकार अधिकारी  
Central Administrative Tribunal

11 SEP 2001

गुवाहाटी बैच

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Filed by the applicant on  
Mr. Choudhury  
28  
11.9.2001

In the matter of :

OA No. 26 of 2001

Sri S.R. Paul Choudhury

Vs

Union of India & Others.

And

In the matter of

An additional affidavit submitted by the applicant in support of the contention raised by the applicant in Original Application No. 26 of 2001.

The applicant above named most humbly and respectfully begs to state as under :

- That your applicant being highly aggrieved for non consideration of promotion to the post of Pay and Accounts Officer/Accounts Officer and also being aggrieved due to illegal supersession by the juniors of the applicant in the cadre of Pay and Account Officer/Accounts Officer, approached the Hon'ble Tribunal through Original application No. 26 of 2001. The Hon'ble Tribunal was pleased to admit the said Original Application and the same is now pending consideration before the Hon'ble Tribunal for hearing.
- That it is stated that during pendency of the Original Application in as much as five juniors have been promoted to the cadre of Pay & accounts Officer/Accounts Officer. The detail particulars of the juniors who are promoted to the post of Pay and Accounts Officer/Accounts Officer superseding the applicant are furnished hereunder :

Sl. No.	Name of officers	Promoted to the post
1	Sri Gautam Boro	Pay and Accounts Officer in the month of September, 2000

2	Sri Sunirmal Saha	Pay and Accounts Officer
3	Sri Mrinal Dasutpra	Pay and Accounts Officer in the month of June, 2001
4	Sri Shiba Prasad Bhattacharjee	Pay and Accounts Officer,
5	Mr. Kharkonger	Pay and Accounts Officer,

In view of such illegal supersession the applicant have acquired a legal and valuable right for promotion to the cadre of PAO/AO at least from the date of promotion of his immediate juniors to the pay scale of Rs. 7500-12000/- with all consequential service benefit including monetary benefit and if the said benefit of promotion is not given to the applicant in that case it will cause irreparable loss to the applicant in as much as so far pensionary benefit of the applicant is concerned. It is relevant to mention here that at least 10 months average emoluments is taken as basic criteria for determination of pensionary benefit, as a result of denial of promotion in due time when more particularly his juniors have been promoted in the cadre of Pay and Accounts Officer/Accounts Officer without considering the case of the applicant as such the applicant will not be able to complete 10 months service in the cadre of promotional post of Pay and Accounts Officer/Accounts Officer before his retirement on his superannuation, which will adversely affect the pensionary benefit of the applicant.

3. That it is stated that the applicant now promoted to the cadre of Pay and Accounts Officer. G.M.S.D., Ministry of Health and Family Welfare, Guwahati vide Office Order No. 449/2001 issued under letter No. 611047/1/93-2001/Guwahati/Admn dated 3.9.2001 issued by Senior Accounts Officer, Administration, Principal Accounts Office, Ministry of Information and Broadcasting, New Delhi. The said promotion is made in pursuance of the Controller General of Accounts Office Order No. 65/2001 issued under letter No. f. No. A-32014/1/2001/MF CGA (A)/Gr.B/ Vo.7/507-09 dated 12.06.01 and also in terms of the Office Order No. 81 bearing letter No. Admn/1/6(4) 2001-02 dated 28.08.2001 issued by the Chief Controller of accounts, Ministry of Information and Broadcasting, New Delhi. The

applicant after receipt of the said order on 3.9.2001 reported on 4.9.2001 for duty at Guwahti Medical Store Department, Guwahati.

(Copy of the order of promotion referred to above is annexed hereto and marked as Annexure- 7 ).

4. It is relevant to mention here that the applicant is retiring from service on superannuation on 30.9.2001 It would be evident from the order of promotion of the applicant that the order in fact was passed by the Controller General of accounts on 12.6.01 but the said order ultimately communicated to the applicant only on 3.9.2001 through Fax Message, as a result the applicant reported for duty in the promotional post only on 4.9.2001 whereas his immediate juniors have been promoted long back in the month of September, 2000 but due to this delay the applicant's pensionary benefit is likely to be adversely affected. The applicant being the senior most Assistant Accounts Officer ought to have been promoted on his turn on priority basis but due to laches and delay on the part of the respondents the case of the applicant for promotion to the post of Pay and Accounts Officer/Accounts Officer was not considered and as a result of which the pensionary benefit of the applicant is going to be adversely affected without any fault of him. It is also pertinent to mention here that the applicant in spite of his best effort could not able to collect the promotion order of his juniors, except the order of Sri M. Das Gupta, as such the Hon'ble Tribunal be pleased to direct the respondents to produce the order of promotion of the juniors of the applicant before the Hon'ble Tribunal.

A copy of the order of promotion of Sri M. Dasgupta, junior to the applicant is annexed herewith and marked as Annexure-8.

4. That it is a fit case where the Hon'ble Tribunal be pleased to interfere to protect the rights and interests of the applicant by issuing appropriate direction upon the respondents for granting him adequate relief.

## VERIFICATION

I, Sri Sudhangshu Ranjan Paul Choudhury, aged about 60 years, working as Pay and Accounts Officer, Government Medical Store Depot, Guwahati, applicant in O. A. No. 26 of 2001 do hereby verify and declare that the statements in paragraphs 1 to 4 made in this Additional Affidavit are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 21st day of August, 2001, at Guwahati.



A handwritten signature in black ink, appearing to read "Sudhangshu Ranjan Paul Choudhury".

G-11047/1/93-2001/Guwahati/Admin./  
 Principal Accounts Office,  
 M/o Information & Broadcasting  
 New Delhi.

Office Order No. 449/2001 11/08/01

Dt. 03/09/2001

Consequent upon his appointment as PAO in pay scale of Rs. 7500-250-12000 w.e.f. the date he reports for duty in terms of CGA O/O No.65/2001 issued under F.No. A-32014/1/2001/MF/CGA(A)/Gr.B/Vol.1/507-09 dt. 12/06/01 ad Pr. Accounts Office M/o H & FW New Delhi's Appointment order No.81 bearing No. Admin./1/6(4)2001-02 dt. 28/8/01, CCA, M/O Information & Broadcasting is please to relieve Sh. S.R.P. Choudhary, AAO of PAO, DD, Guwahati, from his duties with the instructions to report for duty to PAO, GMSD, M/O H & FW, Guwahati as PAO.

Jotiparkash  
 (JOTI PARKASH)  
 Sr. Accounts Officer (Admin.)

Copy to:

1. Sh. S.N. Sahi, ACGA, o/o CGA, M/o Finance, New Delhi.
2. PAO, DD, Guwahati.
3. Sh. SRP Choudhary, through Sl. No.2
4. CCA M/O H & FW, N.DELHI.
5. PAO, GMSD M/O H & FW, Guwahati.
6. CR Assistant
7. Office Order file
8. CA Prasar Bharti

*Paragam (P. Paragam)*  
*Paragam (P. Paragam)*  
*Paragam (P. Paragam)*

G-11047/1/93-2001/Guw/Admin/ 220

GOVERNMENT OF INDIA  
 PRINCIPAL ACCOUNTS OFFICE  
 MINISTRY OF INFORMATION & BROADCASTING  
 II-BLOCK, TROPICAL BUILDING  
 CONNAUGHT CIRCUS, NEWDELHI

33

Date:- 11.6.2001

OFFICE ORDER No.335/2001

Consequent upon his appointment as PAO on adhoc basis in the pay scale of Rs.7,500-200-12,000 w.e.f. the date he reports for duty as per O/o Controller General of Accounts, M/o Finance Office Order No.34/2001 issued vide No.A.22013/1/98/MF.CGA(A)/Group 'B'/Vol.I/Pt./3433 dated 28.3.2001 and Pr. Accounts Office, M/o Home Affairs, North Block, New Delhi Office Order No.2001/2/2000-Pr.A.O/MHA/904-912 dated 30.5.2001, Chief Controller of Accounts, M/o Information & Broadcasting, New Delhi is pleased to relieve Sh. M. Das Gupta, AAO of PAO, Doordarshan, Guwahati from his duties with immediate effect, with instructions to report to R.P.A.O(IB), M/o Home Affairs, Shillong. ✓

Jotiparkash  
 ( JOTI PARKASH )  
 SR. ACCOUNTS OFFICER (ADMN)

Copy to:-

1. Sh. S.N. Sahi, ACGA, O/o CGA, M/o Finance, Deptt. of Expenditure, Lok Nayak Bhawan, New Delhi.
2. Chief controller of Accounts, M/o Home Affairs, North Block, New Delhi.
3. RPAO(IB), M/o Home Affairs, Shillong. Date of joining duty by Sh. M. Das Gupta

दिल्ली न्यायालय  
Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

18 JAN 2002

गुवाहाटी न्यायालय  
Guwahati Bench

O.A. 26 of 2001

Sudhangshu Ranajan Paul Choudhury .... Applicant

Versus

Union of India and Others .... Respondents

Index

Sl. No.	Description of document	Page Nos.
1.	Reply to the O.A. ....	1 - 4

Filed through

(Arunesh Deb Roy)  
Sr Counsel for the Central Govt

Dated :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A. 26 of 2001

Sudhangshu Ranajan Paul Choudhury ... .... Applicant

*Versus*

Union of India and Others ... ... ... Respondents

Written Statement  
on behalf of official respondents i.e. respondents 1 to 4

**Most Respectfully Showeth :**

That the applicant's grievance in the O.A. is that he should have been promoted as Pay & Accounts Officer (PAO) instead of respondent 5 (late G.C. Baro) because the applicant was senior to respondent 5 in the feeder grade, i.e. Assistant Accounts Officer (AAO).

2. That the applicant has approached this Hon'ble Tribunal with an incomplete information and with a grievance which is non-existent. Respondent 5, though junior to the applicant, was a Schedule Tribe (ST) candidate and was promoted as PAO against ST quota, while the applicant is a general category candidate. It is a constitutionally accepted principle in Article 16(4) of the Constitution of India that a reserved category candidate can jump over a general candidate in promotion when reserved candidate is promoted against reserved quota.

3. That a DPC was held on 11-11-1999 for preparing a panel for promotion to the posts of Pay & Accounts Officer. The panel was prepared on all-India basis and by considering candidates all-over India. The applicant, who is a general category candidate, was not senior enough to be covered within

36 (2)

the number of unreserved vacancies and was therefore not included in the panel while respondent 5 was included against ST quota. Respondent 5 opted for promotion as Shillong or Guwahati station. In July, 2000, a vacancy of PAO arose at Guwahati station. The ST quota at that time had not been filled up to its prescribed percentage and therefore respondent was promoted as PAO against ST quota. The applicant at that time did not even find place in the panel and therefore he has no enforceable right to assail promotion of respondent 5.

4. That it may further be stated that next DPC was held on 28-3-2001. The applicant was considered by this DPC as a general category candidate and was promoted as PAO in September, 2001. He has also retired on superannuation w.e.f. 30-9-2001

5. That mere fact that the applicant on two occasions applied for ad hoc promotion as PAO in response to circulars issued by respondents, does not entitle him to be promoted in preference to respondent 5 who was the rightful claimant for promotion against ST quota. His promotion by all means is legal and valid. The applicant has no valid ground to assail this promotion.

6. That subject to the submissions made herein above, all facts and averments in the O.A. are hereby denied save as those which are specifically admitted herein below.

7. That with reference to para 1 of the O.A. it is submitted that the applicant has no valid grievance in view of the position explained above. He is not entitled to be considered for promotion from the date respondent 5 was promoted.

✓

8. That paras 2 and 3 of the O.A. is not denied.

9. That paras 4.1 to 4.3 of the O.A. are only introductory facts and have no relevance to the issue involved in this case. No reply is therefore called for against these paras.

10. That the contents of para 4.4 of the O.A. are denied. As submitted above, respondent 5's promotion was on regular basis against ST quota. The applicant cannot make any valid claim merely because he is senior to respondent 5. It is further submitted that promotion criteria at the time of respondent 5's promotion was 50% by seniority and 50% by merit. It is reiterated that mere fact that the applicant applied for ad hoc promotion does not entitle him regular promotion in preference to respondent 5 who was promoted against ST quota.

11. That the position explained above is reiterated in reply to para 4.5 of the O.A. Contents of this para are denied.

12. That with reference to paras 4.6 and 4.7 of the O.A. it is stated that the applicant has no valid ground to seek any relief from this Hon'ble Tribunal and the O.A. is misconceived.

13. That in view of the position explained above none of the grounds stated in para 5 of the O.A. survive and therefore the grounds mentioned at 5.1 to 5.6 are hereby denied.

14. That contents of para 6 of the O.A. are not denied.

15. That para 7 of the O.A. is denied for want of knowledge.

16. That the applicant is not entitled to any of the reliefs, interim or otherwise, claimed in paras 8 and 9 of the O.A. Moreover, respondent 5 has since expired and the applicant too has retired after getting promotion as PAO.

17. That paras 10 to 12 of the O.A. being formal, do not require any comments.

18. That in view of the facts and circumstances as explained above and the provisions of law, the O.A. is liable to be dismissed.

19. In the premise aforesaid, it is therefore prayed that your Lordship would be pleased to dismiss the O.A. with costs and/or pass such further or other orders that your Lordships may deem fit and proper.

*S.N. Sahi*  
(S.N. Sahi)

Asstt. Controller General of Accounts

### Verification

I, S.N. Sahi, working as Assistant Controller General of Accounts in Government of India, Ministry of Finance, Department of Expenditure, being competent and authorised to sign this verification, do hereby solemnly affirm and state that the contents of this written statement are true to the best of my knowledge and belief as derived from official records. Nothing material has been concealed.

And I sign this verification today on 3<sup>rd</sup> day of December, 2001.

*S.N. Sahi*  
Deponent