

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Withdrawal. Date-04/04/2002

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

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SECTION OFFICER (Judl.)

Sri. Sudhanshu Ranjan Paul Applicant.
Choudhury
 versus

Union of India & Ors Respondents.

For the Applicant(s)

Mr. M. Chanda.
Mrs. N. D. Gopwami
Mr. A. Deb Roy,
Dr. C. G. S. L.

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.

U. U. Sharma
 Member

U. U. Sharma
 Vice-Chairman

lm

22.2.01

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

U. U. Sharma
 Member

U. U. Sharma
 Vice-Chairman

lm

13.3.01

List on 11-4.01 to enable the respondents to file written statement.

U. U. Sharma
 Member

U. U. Sharma
 Vice-Chairman

lm

1) Requisite one copy
 short.

2) No. Envelop filed.

Boo
 7.2.2001

Notice of Notice
 prepared & issued to
 the respondents
 vide D.O. No. 419 to 423
 dt. 7.2.01


3) Service report are still
 awaited.

My
 20.2.01

12.3.01

No WTS filed.

11.4.01 No Written statement so far 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

lm

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.

No written statement
has been filed.

29
11.6.01


Member


Vice-Chairman

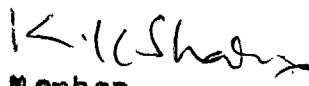
bb

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.

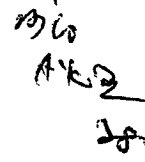
24
27.8.01


Member


Vice-Chairman

bb

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


11.9.2001

11.9.01 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 ^{today the bench} 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
Contd..

Notes of the Registry	Date	Order of the Tribunal
	11.9.2001	<p>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.</p> <p>List the matter for hearing on 12.11.2001.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Order dt 11/9/01 Communicated to the Jointes Council. Vide S/No _____ _____ dtel _____ by 12/9/07</p>	trd 12.11.01	<p>Prayer has been made by Mr. A. Deb Roy, learned Sr. C.G.S.C. for adjournment. Prayer is allowed.</p> <p>List on 5/12/01 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>No. written statement has been filed. By 9.1.02.</p>	mb 5.12.01	<p>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. M. Chanda has no objection on the prayer.</p> <p>List on 10.1.02 for hearing.</p> <p><i>[Signature]</i> Member(J)</p> <p><i>[Signature]</i> Member(A)</p>

Notes of the Registry

Date

Order of the Tribunal

13. 9. 2001

additional affidavit
submitted by the applicant.

10.1.02

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

ICU Sharma
Member

Vice-Chairman

mb

14.2.02

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. ICU Sharma
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.

ICU Sharma
Member

Vice-Chairman

bb

4.4.02

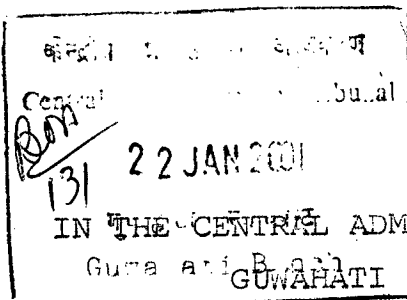
Mr. M. Chanda learned counsel for the
applicant makes prayer for change the
application with liberty to file a fresh
application impleading few more respondents.
Mr. A. Deb Roy, Sr. C.G.S.C. has no objection.
Prayer is accepted. Application is dismissed
on withdrawal. The liberty is given to the
applicant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

ICU Sharma
Member

9.4.2002

Copy of the order
has been sent to the
office for issuing the
order to the L/Advocate
for the parties.

10/4



(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

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Date : 22/1/2001

Filed by
N.D. Goswami
Advocate

Filed by me applicant
Sri Sudhangshu Ranjan Paul
Choudhury
Advocate

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A. No. _____/2001

BETWEEN

Sri Sudhangshu Ranjan Paul Choudhury
Son of Late Surendra Chandra Paul Choudhury,
C/o Pay and Accounts Officer, (NER Doordarshan)
Doordarshan Kendra
Guwahati-781003

....Applicant

-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...

Sudhangshu Ranjan Paul Choudhury

-2-

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.....

Shri G.C. Boro

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 reasons 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...

Sudhanshu Rayan Paul

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

Ludhanshu Royan Paul Choudhary

Order No. 98 dated 7.9.2000 in the scale of pay of Rs. 7500-2500-12000 with effect from the date ²Shri 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 ^{Board} ~~Broadcasting~~, 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 ~~the~~ even on his ad hoc promotion to the post of Pay and Accounts Officer at Guwahati he shall not

Sudhanshu Ranjan Barik

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 violati e 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 ~~could~~ not be obtained by the applicant in spite

Sudhanshu Ranjan Paul Chowdhury

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...

Indrajit Rayan Paul Choudhary

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 Dhanu Rangan Patil

- 5.3 For that the applicant submitted his ~~represent-~~
~~ation~~ 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 represen-
tation 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 Royan Paul Khuntia

7. Matters not previously filed or pendint 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.

Sudhanshu Ranjan Baral

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.

Sudhanshu Kumar Baruah

V E R I F I C A T I O N

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, 200*0*.

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 :

Shri Dinesh Kumar Ray, Joint Secretary

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 etd. 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 Ranjan Kumar

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)

Sudhanshu Rayan Purohit

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 forward 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.

Sudhansu Kumar 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, AAO 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.

Attestd
Advocate.

Sudhanshu Ranjan Paul Chowdhury

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, Dispur, 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 benigness to accommodate me in the post of P.A.O. at Guwahati, so that I can have a sense 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,

Sd/- S.R. Paul Chaudhury

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.

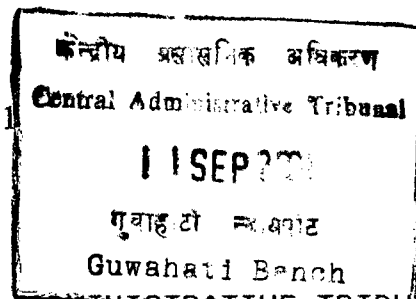
Sir,

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~~ Khan Market, 7th Floor, New Delhi-110003 for
consideration and necessary action please.

Yours faithfully,

Sd/-

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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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 :

1. 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.

2. 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

Filed by the applicant Mr.
M. Chouda Adv.
11.9.2001

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. 6 11047/1/93-2001/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, 200 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.

Sudhangshu Ranjan Paul Choudhury

03-SEP-01 16:57

111

91+11+3351879

P.01

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

Office Order No.449/2001 11/08-15

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 and Pr. Accounts Office M/o II & FW New Delhi's Appointment order No.81 bearing No.Admn./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 II & FW, Guwahati as PAO.

(JOTI PARKASH)

Sr. Accounts Officer (Admn.)

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 II & FW, N.DELHI.
5. PAO, GMSD M/O II & FW, Guwahati.
6. CR Assistant
7. Office Order file
8. CA-Prasanna Bharti

AAO Adm (Pr. Pst. ch)
(early)

02/09/01

G-11047/1/93-2001/Guw/Admn/ 220
 GOVERNMENT OF INDIA
 PRINCIPAL ACCOUNTS OFFICE
 MINISTRY OF INFORMATION & BROADCASTING
 11-BLOCK, TROPICAL BUILDING
 CONNAUGHT CIRCUS, NEW DELHI

Date:- 11.6.2001

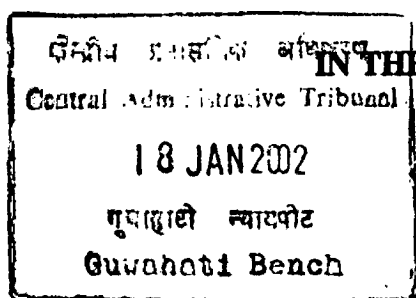
OFFICE ORDER No.335/2001

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.1/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. ✓

Joti Parkash
 (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



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

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1.	Reply to the O.A.	1 - 4

Filed through

(Arunesh Deb Roy)
Sr Counsel for the Central Govt

Dated :

35 (1)

**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

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.

3
X

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)

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 3rd day of December, 2001.

Deponent