

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 355/2001

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SECTION OFFICER (Judl.)

Farhat
8.12.17

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

Original APPLICATION NO. 355/2001

Applicant (s) M. S. Singh

Respondent(s) W.O. I. 2001

Advocate for the Applicant: M. Chanda, Ms. N. D. Goswami, G. N. Chakraborty
A. Datta

Advocate for the Respondent: Case

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in the format of a petition. It is filed vide M.P. No. X C.P. for Rs 50/- deposited vide IPO/BD/No 79 548949	6.9.01	Heard counsel for the parties. The application is admitted. Call for the records.
Dated: 30.8.2001		List on 9/10/01 for written statement and further order.
<i>Dy. Registrar</i> <i>NS</i> <i>3/9/01</i>		<i>IC Usha</i> Member
Notice prepared and sent to DLS for transmission to the Respondent No 1 to 3 by Legal A.D.	9.10.01	List on 21/11/01 to enable the respondents to file written statement.
<i>21/11/01</i>		<i>IC Usha</i> Member
File No. <u>3461k3463</u>	21.11.01	Written statement yet to be filed by the respondents. List on 21/12/01 for written statement.
Att'd. 14/9/01.		<i>Vice-Chairman</i>
No. written statement has been filed.	mb	<i>IC Usha</i> Member
<i>3/10/01</i>		<i>Vice-Chairman</i>

No written statement has been filed.

My
20.11.01

21.12.01 Written statement has been filed by respondent No.2. Other respondents may file written statement within 4 weeks from today.

List on 28.1.2002 for order.

PC Usha

Member

Vice-Chairman

mb

28.1.02 Written statement has been filed by respondent No.2. Accordingly, the case may now be listed for hearing.

List on 4.3.2002 hearing.

W. 12.2001

W/S Submitted
along with Respondent No. 2.

pd
mb

PC Usha

Member

Vice-Chairman

W/S filed on behalf

of R No 2, other 4.3.2002
Respondent not yet
filed.

My
25.1.02

MEMBER

nk m

Vice-Chairman

27/3/2002

Copy of the Judgment
has been sent to the
Office for Scanning the
same to the applicant
as well as to the Add.
Case for the Registry
etc

PC Usha
27/3/02

W

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 355 of 2001

4.3.2002
Date of Decision.....

— Shri M. Santomba Singh — Petitioner(s)

Mr M. Chanda, Ms N.D. Goswami,
Mr G.N. Chakraborty and Mr H. Dutta

Advocate for the
Petitioner(s)

— Versus —

— The Union of India and others — Respondent(s)

— Mr B.C. Pathak, Addl. C.G.S.C. —

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

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

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.355 of 2001

Date of decision: This the 4th day of March 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri M. Santomba Singh,
Accountant (reverted),
0/o the Sr. Deputy Accountant General (A & E),
Manipur, Imphal.Applicant

By Advocates Mr M. Chanda, Ms N.D. Goswami,
Mr G.N. Chakraborty and Mr H. Dutta.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Finance, New Delhi.
2. The Deputy Accountant General (A & E), Manipur, Imphal.
3. The Sr. Accounts Officer, Administration, 0/o the Deputy Accountant General (A & E), Manipur, Imphal.Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY, J (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 assailing the legality and correctness of the order No.Estt(A & E)/Order No.26 dated 1.6.2000 reverting the applicant from the post of Accountant to the post of Clerk/Typist in the following circumstances:

The applicant was initially appointed as Clerk/Typist in the Office of the Deputy Accountant General (A & E), Manipur, Imphal with effect from 7.7.1994. On the recommendation of the Departmental Promotion Committee, by order No.Estt(A & E)/Order No.21 dated 1.6.1998

the applicant was promoted to officiate as Accountant in the scale of Rs.4000-100-6000 with effect from the date he assumed charge as Accountant. The applicant assumed the office of the higher post and by the impugned order dated 1.6.2000 he was reverted to the post of Clerk/Typist. Hence this application assailing the legitimacy of the order.

2. The respondents submitted their written statement and in the written statement the respondents have stated that there was one post lying vacant in the cadre of Accountant. As per roster the post was to be filled up by promotion from the post of Clerk/Typist itself out of the candidates belonging to the members of the Scheduled Caste who qualified in the Departmental Examination for Accountant and other examination prescribed in the Recruitment Rules for Accountant. As per Annexure R1 to the written statement there were four SC candidates available in the DPC held on 22.5.1998. Shri Ksh. Bisheswar Singh and Shri M. Nungleiba Singh joined as Clerk/Typist on 24.2.1992 and 13.5.1993 respectively. Initially they joined as General Category employees and subsequently, at their instance they were granted the Scheduled Caste status on 21.4.1992 and 10.4.1992 respectively. Shri Ksh. Bisheswar Singh passed the Departmental Examination for Accountant in February 1996 and Shri M. Nungleiba Singh passed the said examination in September 2000. As per the statement (Annexure R1) the applicant joined as Clerk/Typist on 7.7.1994 against the SC quota and he passed the Departmental Examination for Accountant in September 1997. There was one more SC candidate, Shri Jayanta Singh, who joined as Clerk/Typist on 7.9.1995, but he did not qualify in the Departmental Examination for Accountant. According to the respondents Shri Ksh. Bisheswar Singh, Clerk/Typist, was the seniormost amongst the four candidates and the second seniormost was Shri M. Nungleiba Singh. The applicant was below Shri M. Nungleiba Singh. As mentioned the aforementioned two candidates initially joined the office as unreserved category, but subsequently they submitted SC Certificates and.....

and after protracted correspondence with the Office of the C&AG of India, those officers were conferred with the status of SC. Meanwhile, pending receipt of the clarification/decision from the C&AG of India, the applicant who was in the third position was also allowed to officiate in the post of Accountant as an interim measure in the exigencies of the work. On receipt of the clarification/decision from the C&AG of India another DPC reviewed the proceeding of the earlier DPC promoting the applicant on officiating basis under the provision of Para 18.1 of Chapter 49 of Manual on Establishment and Administration. The senior person was considered for promotion as per law and therefore, according to the respondents there was no question of any arbitrary action on the part of the respondents.

3. We have heard Mr M. Chanda, learned counsel for the applicant at length and also Mr B.C. Pathak, learned Addl. C.G.S.C. Mr Chanda submitted that the applicant was promoted against the vacancy as per law and subsequently he was reverted in an arbitrary fashion without giving him any opportunity to state his case. The learned counsel also submitted that there was no justification for reverting the applicant from the post of Accountant on the face of available vacancy. Mr B.C. Pathak, referring to the written statement submitted that when the other two persons, namely Ksh. Bisheswar Singh and Shri M. Nungleiba Singh were granted SC status on and from 21.4.1992 and 10.4.1992 respectively, they could not have been ignored and therefore, after the authority decided the case of those persons a review DPC was held as per the policy guidelines.

4. A review DPC is permissible where eligible persons were omitted to be considered or where ineligible persons were considered by mistake or where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC, and like cases. After the aforesaid two senior persons were granted the SC status, the department considered their case by

the.....

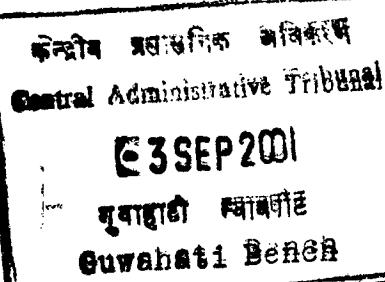
the subsequent DPC and on consideration of their merit and seniority, one of the senior persons above the applicant was considered for promotion and naturally his case had to be reviewed. We do not find any infirmity in the aforementioned action of the respondents. The materials on record also did not indicate any existence of vacancy. Therefore, on the facts and circumstances of the case reversion of the applicant could not be faulted.

5. Mr Chanda lastly submitted that since the applicant was once promoted the respondents should take steps for considering his case against any available vacancy. The respondents in their communication dated 20.9.2000 addressed to the Director, National Commission for SC and ST had already made it clear that Shri M. Nungleiba Singh as well as the applicant would be promoted to the post of Accountant when their turn comes if vacancy arises against the reserved category.

6. In the set of circumstances we do not find any merit in this application and the same is accordingly dismissed. There shall, however, be no order as to costs.

(K. K. SHARMA)
ADMINISTRATIVE MEMBER

(D. N. CHOWDHURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the case : O.A. No. 355 /2001

Shri M. Sanatomba Singh : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Date

Advocate

M. Sanatomba Singh

Filed by the above-mentioned
through advocate
G.N. Chakraborty & Son

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

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

O.A. No. 355/2001

BETWEEN

Shri M. Santomba Singh,
Accountant (reverted),
O/o the Sr. Dy. Accountant General (A&E),
Manipur,
Imphal

..... Applicant

AND-

1. The Union of India,
Represented by the Secretary to the
Govt. of India,
Ministry of Finance,
New Delhi.
2. The Deputy Accountant General (A & E),
Manipur
Imphal.
3. The Sr. Accounts Officer/Admn.,
O/o the Deputy Accountant General (A & E),
Manipur,
Imphal.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.
This application is made against the impugned order
No. Estt(A&E)/Order No.26 dated 01.06.2000 issued by the Respondent No.3
reverting the applicant from the post of Accountant to the post of

Clerk/Typist arbitrarily without giving him any opportunity of being heard and without following the principles of natural justice, and praying for a direction upon the respondents for restoring the applicant to the post of Accountant in which he had been working since 01.06.1998.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant was initially appointed as Clerk/Typist in the office of the Dy. Accountant General (A & E), Manipur, Imphal w.e.f. 07.07.1994 on the basis of the recommendation of Staff Selection Commission, Guwahati. The applicant being a member of the Schedule Caste Community, was so appointed against reserved vacancy.

4.3 That subsequently having attained the eligibility the applicant was allowed to appear in the Departmental examination for the promotion to the post of Accountant and on the recommendation of the DPC, he was promoted to officiate as Accountant w.e.f. the date he assume charges, under order No.Estt.(A&E)/Order No.21 dated 01.06.1998 and the applicant eventually assumed charges as Accountant w.e.f. 01.06.1998. It is pertinent to mention here that he was promoted as a Schedule Caste candidate against the reserved slot.

(Copy of promotion order dated 01.06.1998 is annexed hereto as **Annexure-I**)

4.4 That having served for two years as Accountant, the applicant was suddenly reverted from the post of Accountant to the post of Clerk/Typist by an impugned Order No.Estt.(A&E)/Order No.26 dated 01.06.2000 issued by the Respondent No.3 without giving the applicant any opportunity of being heard and thereby promoting one

M. Sanatendra Singh

Shri Ksh. Bisheshwar Singh, Clerk/Typist to the post of Accountant, in an arbitrary manner..

(Copy of impugned order of reversion dated 01.06.2000 is annexed hereto as **Annexure-II**)

4.5. That it is stated that there are 26 posts of Accountants and as per Roster point, out of these 26 posts, there are 3 posts reserved for Scheduled Castes against one of which the applicant was promoted as Accountant. As a matter of policy, dereservation of reserved posts is also not permitted as evident from letter No.1827 NGE(App)/11-95 Vo.VII dated 14.12.1995 issued by the Office of the Comptroller and Auditor General of India.

(Copy of letter dated 14.12.1995 is annexed hereto as **Annexure-III**)

4.6. That, as on 01.06.1998 i.e. the date on which the applicant was promoted from the post of Clerk/Typist to Accountant, there were only three Scheduled Caste candidates working in the cadre of Clerk/Typist whose details are mentioned hereunder :-

Sl. No.	Name	Date of joining as Clerk/ Typist	Date of passing departmental examination for Accountant.
1.	Shri Ksh. Bisheshwar Singh	24.02.1992	February, 1996
2.	Shri M. Nungleiba Singh	13.05.1993	Not yet passed.
3.	M. Sanatomba Singh (applicant)	07.07.1994	September, 1997

As per Recruitment Rules (R/R), Appendix 24, Page 222, the inter-se seniority of those who qualify in any earlier examination shall rank en-bloc higher than those who qualify in a later examination. It is clear from the above, that Shri M. Numgleiba Singh has not yet passed the relevant Departmental examination and thus has not even fulfilled the requisite criteria for promotion to the post of Accountant. Therefore, as on 01.06.1998 i.e. the date on which the applicant was promoted as Accountant and also as on 01.06.2000 i.e. the date on which the applicant was reverted from the post of Accountant, there were only two eligible candidates who passed the departmental examination namely (1) Shri Ksh. Bisheshwar Singh and

M. Sanatomba Singh

(2) Shri M. Santomba Singh (applicant himself) available for promotion as Accountant against the 3 (three) reserved posts. It is therefore beyond any doubt that the applicant is not only eligible for the post of Accountant but by virtue of his passing the departmental examination, he is also senior to Shri M. Numgleiba Singh who has not yet passed the departmental examination in terms of the Recruitment Rules.

(Copy of Recruitment Rules enclosed as **Annexure-IV**).

4.7 That being highly aggrieved by his illegal and arbitrary reversion from the post of Accountant in spite of his all eligibilities and in spite of his serving as Accountant for long two years, the applicant submitted one representation on 02.06.2000 to the Respondent No.2 ventilating his grievances and praying for redressal and approached time and again for revocation of the impugned order dated 01.06.2000 in relation to his part but with no result. Finding no other alternative, the applicant approached (NCFSCST) and submitted representations for redressal of his grievances. Two such representations dated 27.07.2000 and 26.09.2000 are appended herewith which are self-contained.

(copy of representation dated 02.06.2000 to respondent No.2 and copy of representations dated 27.07.2000 and 26.09.2000 to NCFSCST are annexed hereto as **Annexure V, VI and VII** respectively).

4.8 That the NCFSCST thereafter made several correspondences with the Respondents and in one of its letters dated 22.08.2000 the Commission observed as follows :-

“.....If it is true that there are 3 posts reserved for SC in the grade of Accountant and there were only two SC incumbents in that grade prior to June'2000, then perhaps it was not necessary to revert Shri M. Sanatomba Singh to promote Shri Ksh. Bisheswar Singh, instead a general category candidate holding the post of Accountant against the reserve point in the roster should have been reverted to accommodate Shri Ksh. Bisheswar Singh, SC candidate”.

M. Sanatomba Singh

WY

(copy of letter dated 22.08.2000 is annexed hereto as

Annexure-VIII)

4.9 That it has been admitted by the Respondents that there were three posts reserved from SC candidate and that there were only two SC incumbents vide their letter No.Estt.(A&E)/265/PCA/96-97 dated 20.09.2000 which indicates that there was still one clear vacancy for SC in which the applicant could be retained. This apart, even after the applicant was promoted on 01.06.1998, one Shri O. Raghumani Singh, Clerk/Typist was promoted as Accountant w.e.f. 26.02.1999 as general category promotee and one Smt. Rose Lallienmawi, Clerk/Typist who happens to be a STcandidate was promoted as Accountant against the slot reserved for SC candidate w.e.f. 01.03.1999.

Under the above circumstances, the reversion of the applicant in spite of clear reserved vacancy in existence and retaining the persons in the grade of Accountant who were even junior to the applicant was not only unwarranted but irrational and illegal too.

(Copy of letter dated 20.09.2000 is annexed hereto as

Annexure-IX)

4.10 That the applicant begs to state that while reverting the applicant, the Respondents did not follow the principles of natural justice and deprived the applicant of any opportunity of being heard. It is a settled law that Reversion can not be made without providing an opportunity when the incumbent was selected and appointed on regular basis after a test/examination. Merely because a senior person had complained against the applicant, he can not be reverted from the post to which he was promoted after passing a regular test/examination and having been recommended by a duly constituted DPC.

This principle was also adopted by this Hon'ble Tribunal while allowing the application in OA No.198/2000 decided on 12.12.2000 (J. C. Roy -Vs- U.O.I. & Others) whereby the impugned order of reversion was set aside on the ground of violation of principle of natural justice.

M. Saafarsha Brey

Reduction in rank without providing an opportunity of being heard is a gross violation of the provision made under Article 311 (2) of our Constitution as well which has been viewed seriously by the Apex Court in various judgments.

4.11 That the applicant begs to state that due to the illegal and arbitrary action of the respondents, the applicant has not only been deprived of his legitimate right but it has also caused irreparable injury in his status, reputation and financial interest. As such, finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate right and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant by setting aside the impugned order of reversion dated 01.06.2000 and directing the Respondents to restore the applicant to the post of Accountant w.e.f. 01.06.2000 with all consequential service benefits.

4.12 That this application is made bona fide and for thecause of justice.

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

5.1 For that the applicant was promoted to the post of Accountant after passing the relevant departmental examination and on the recommendation of a duly constituted DPC.

5.2 For that the applicant had served as Accountant for two years from 01.06.1998 to 01.06.2000 and therefore acquired a valuable right to continue to serve in the said post.

5.3 For that there were three posts of Accountant reserved fro SC candidate against which there were two incumbents, thereby leaving one clear vacancy in which the applicant could be accommodated.

5.4 For that the National Commission for Schedule Castes and Scheduled Tribes also opined that the reversion of the applicant was unwarranted and the case of the applicant gains support from the aforesaid observations.

M. Saratappa Singh

5.5 For that the applicant was reverted without following the principles of natural justice and without providing him any opportunity of being heard which is a settled position of law.

5.6 For that reduction in rank without providing and opportunity of being heard is a gross violation of Article 311 (2) of our Constitution.

5.7 For that in similar cases, this Hon'ble Tribunal has allowed the application on the ground of violation of principles of natural justice as in O.A. No.198/2000 decided on 12.12.2000.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. Representations and all other efforts made by the applicant as detailed in Para 4 above could not yield any result whatsoever.

7. Matters not previously filed or pending 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 stated above, the applicant humbly prays that your Lordships be pleased to grant the following reliefs.

8.1 That the impugned order of reversion dated 01.06.2000 be set aside and quashed.

8.2 That the respondents be directed to restore the applicant to the post of Accountant w.e.f. 01.06.2000 with all consequential service benefits.

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.

M. Saafdar Singh

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief :-

9.1 That the Hon'ble Tribunal be pleased to restrain the respondents.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No. : 76 548949
ii) Date of issue : 30-8-2007.
iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

M. Sanatosh Dutt

VERIFICATION

I, Shri M. Sanatomba Singh, working as Accountant (reverted) in the Office of the Sr. Dy. Accountant General (A&E), Manipur, Imphal, do hereby verify that the statements made in Paragraph 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 the3rd....day of September,, 2001.

M. Sanatomba Singh

OFFICE OF THE SR. DY. ACCOUNTANT GENERAL (A&E)
MANIPUR:IMPHAL

No. ESTT (A&E) / Order No. 21
Dated-01-06-98

~~On the recommendation of the DPC Shri M. Sanatomba Singh, Clerk/Typist is promoted to officiate as Accountant in the scale of Rs. 4000-100-6000/- p.m. with effect from the date he assume charge as Accountant until further orders.~~

Authority:- AG's orders dated 29-5-98 in file
No. DAG (A&E) / DPC / Gr. C / 98-99]

Memo No. ESTT (A&E) / PF / MSS / 94-95 235

(A. Biren Singh)
Sr. Accounts Officer
Dated: 1-6-98

Copy to :-

1. Sr. P.A. to A.G.
2. P.A. to DAG (A&E)
3. Shri M. Sanatomba Singh
4. O/o file.
5. Bill Group.

(A. Biren Singh)
Sr. Accounts Officer
Dated: 1-6-98

*Releged
Dear Sirs
for sake.*

Accas

P 16.

OFFICE OF THE SR.DY. ACCOUNTANT GENERAL(A&E)
MANIPUR : IMPHAL

Estt(A&E)/Order No. 26

Dated, 01-06-2000

On the recommendation of the DPC, Shri Ksh. Bisheshwar Singh, Clerk/Typist is promoted to officiate as Accountant in the scale of Rs.4000-100-6000/-p.m. until further orders with effect from the date he assumes charge as Accountant.

Shri H. Sanatomba Singh, Accountant is reverted to the post of Clerk/Typist with immediate effect. The pay and allowances drawn by him as Accountant in excess of his pay that he would have drawn had he continued as Clerk/Typist, however, is not to be recovered.

Authority :- AG's Order dated 31-05-2000 at P/71^N in file
No.Sr.DAG(A&E)/DPC/Gr.C/93-99.

Sd/-

Sr. Accounts Officer/Admn.

Memo No. Estt(A&E)/2-65/PCA/2000-01/354-58. Dated, 01-06-2000

Copy to :-

1. P.S. to AG
2. P.A. to DAG(A&E)
3. All B.Os.
4. Persons concerned
5. Office order file.

*Amrit
16/6/00*
Sr. Accounts Officer/Admn.

*Amrit
16/6/00*
Sr. Accounts Officer/Admn.

विनायक

Date

14.12.95

Annexure-III

To

The Sr.Dy.Accountant General (A&E)
Manipur
Imphal

15 DEC 1995

Sub. : Proposals for dereservation of vacancies reserved for Scheduled Caste.

Sir,

I am directed to invite a reference to your office letter No. Estt. (A&E) / 2-5/Res-SC-ST/ 91-95 / 2120 dated 28.11.95 on the subject noted above and to state that the cadre of Accountant contains element of direct recruitment and as such dereservation of vacancies reserved for Scheduled Caste / Scheduled Tribe on promotion to the post of Accountant is not allowed in terms of Government of India decision contained in Department of Personnel & Training OM No. AB 14017/ 30/89 - Estt. (RR) dated 10.7.90.

The proposal for dereservation is accordingly returned herewith.

Yours faithfully,

Chirag
14.12.95
(S.V. SACHDEVA)

SR. ADMINISTRATIVE OFFICER (APP)

10, बहादुरशाह जाफर मार्ग, नई दिल्ली-110002
10, Bahadurshah Zalar Marg, New Delhi-110002

S. V. Adm

14/12

*Replied
Dear
Advocate*

to the post in question

भारतीय नेतृत्व तथा लेखापरीक्षा विभाग (लेखाकार) भर्ती नियमावली, 1986

(यथा संजोधित भारत सरकार, वित्त मंत्रालय, व्यव विभाग,
जी०ए०प्र०आ० ८६ नंबर ६७३ दिनांक १२-८-८६ इसके लिए
जी०ए०प्र०आ० ८६ ३०० दिनांक १०-५-९० के साथ पठित जी०
ए०प्र०आ० ८६ नंबर ६१२ दिनांक १४-७-८४ दर्खे)

राजधान के अनुच्छेद १४८ के बंडे (५), द्वारा प्रदत्त शब्दियों
के प्रयोग से नेतृत्व तथा लेखापरीक्षा विभाग (लेखाकार) भर्ती नियमावली
दे द्वारा नियमित रूप से नेतृत्व तथा लेखापरीक्षा
विभाग के लेखा एवं हस्तांकी कार्यालयों में लेखाकार के पद में भर्ती की
विधि इस विविधित कानून के विवे विनियमित नियम बनाते हैं।

१. संक्षिप्त नाम तथा लागू होने की विधि।—(i) इन नियमों
से भारतीय देश तथा नेतृत्वापरीक्षा विभाग (लेखाकार) भर्ती नियमावली,
१९८६ कहा जायेगा।

(ii) वे वास्तविक रूप से प्रदत्त प्रकाशन की विधि से लागू
होंगे।

२. पदों की संख्या, उनका वर्गीकरण तथा वेतन मात्रा।—उक्त
पदों की संख्या, इनका वर्गीकरण तथा इनमें सम्बद्ध वेतन मात्रा इन नियमों
में सही अनुच्छेद ३ से ४ वें वया नियम होगे।

३. भर्ती का विवेद आप सभा, वाग्मताय आदि—भर्ती की
विधि, अप्य नीति, वेतनहरू तथा उक्त पद से सम्बन्धित अन्य मामले

APPENDIX 24

Annexure - IV

INDIAN AUDIT AND ACCOUNTS DEPARTMENT
(ACCOUNTANT) RECRUITMENT RULES, 1986

(Govt. of India, Ministry of Finance, Department of Expenditure
G.S.R. No. 673 dated 12-8-86 as amended vide
G.S.R. No. 612 dated 14-7-88 read with
G.S.R. No. 300 dated 10th April, 1990)

In exercise of the powers conferred by clause (5) of article 148
of the Constitution and after consultation with the Comptroller
and Auditor General of India, the President hereby makes the
following rules to regulate the method of recruitment to post of
Accountant in the Accounts and Entitlements Offices of Indian
Audit and Accounts Department, namely:—

1. Short title and commencement.—(i) These rules may be
called the Indian Audit and Accounts Department (Accountant)
Recruitment Rules, 1986.

(ii) They shall come into force on the date of their publi-
cation in the Official Gazette.

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

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

*Addeed
Advocate*

(३) जिनसे द्वारा वैवाहिक नामी के जीवित व्यक्ति किसी ऐसे व्यक्ति के नाम विवाह कर निवाह है अथवा विवाह का करार किया है।

उस पद पर नियुक्त किये जाने के लिये पाव न होंगा :

बमर्त कि भारत के नियंत्रक-महालेडापरीक्षक इस तथ्य से संतुष्ट हों कि इस प्रकार का विवाह ऐसे व्यक्ति तथा विवाह के दूसरे पद के व्यक्ति पर लागू होने वाली वैदिक्षक विविध के अधीन अनुमत है तथा ऐसा करने के अन्य आधार भी हैं तो वे किसी भी व्यक्ति को इस नियम के लागू होने से छूट प्रदान कर सकते हैं।

5. शिथिलीकरण की शक्ति.—जहाँ भारत के नियंत्रक-महालेडापरीक्षक इस पद पर है कि ऐसा करना उचित वा आवश्यक है, वहाँ दे आदेश द्वारा तथा नियुक्त वप्त में दर्ज किये जाने वाले कारणों के आधार पर किसी भी वर्ग अवधार कोटि के व्यक्तियों के सम्बन्ध में उन नियमों के किसी भी श्रावयान को जिथिल कर सकते हैं।

6. अवधार.—इन नियमों में सन्तुष्टि कुछ भी, अनुचित जातियों, अनुचित जनजातियों, भूतपूर्व संनिकांत तथा कन्द विशेष कोटि के व्यक्तियों जो दिये जाने वाले उन आरक्षणों, तथा अन्य छूटों, जो भारतीय लेडा तथा लेडापरीक्षा विभाग में नियोजित व्यक्तियों पर लागू होने के सम्बन्ध में, कमद समय पर भारत सरकार द्वारा जारी आदेश के अनुकार ही जारी हैं, जो प्रभावित नहीं करता।

(b) Who having a spouse living, has entered into or contracted a marriage with any person;

shall be eligible for appointment to the said post:

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

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

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

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अनुसूची

लेखाकार

2894* (1988) *प्राविन्द्र रोड पर आधारित परियोग पर
पिंगर।

सामान्य केन्द्रीय रोड, पुणे 'ग' — अराजपात्र-लिपिकीय।

1200-30-1560-द.रो.-40-2040 रु. ।

जैसे अधिकारी और प्रबरण पद

गंगर प्रबरण ।

वार्षिकों के लिए आयु सीमा

18 और 25 वर्ष के बीच ।

टिप्पणी.—आयु सीमा को निर्धारित करने की निष्ठायां तिथि भर्ती करने
वाले अधिकारी द्वारा यथा विज्ञापित होगी।

१०. (पैकान) नियमावली, 1972, नहीं ।

११. वो वस्तुगत रोड के जोड़े

जो लाभ स्वीकार्य हैं ।

वार्षिकों के लिए शैक्षिक तथा किसी गान्धीता प्राप्त विश्वविद्यालय से स्नातक की डिग्री ।

SCHEDULE

१. post

Accountant
2894* (1988) *Subject to variation dependent on work,
load.

General-Central Service; Group C Non-Gazetted--
Ministerial

Rs. 1200-30-1560-द.रो.-40-2040.

२. post or non selec- Non-selection.

३. post recruits

Between 18 and 25 years.

Note:—The crucial date for determining the age limit
shall be as advertised by the authority making
recruitment.

४. of added years of No

५. under rule 30 of

६. Rule, 1972.

७. other qualifications Bachelor's degree of a recognised University.

*Selected
Non
Recruit
Non
Local*

तीर्थी ।

क्षमा, सीधी तरीका बालों के लिये निर्धारित आगे बढ़ा। एकिधीय योग्यताएं प्रयोग्यता बालों पर दारा होगी।

। गिरिधा. ये अवधि, पदि गोई हो ।

जाति की विधि सीधी भर्ती द्वारा अथवा
प्रदोषन्ति द्वारा अथवा प्रतिनियुक्ति
इकान्तरण द्वारा तथा शिखित विधियों
द्वारा गरीजाने वाली रिक्तियों परा प्रति-
शतता।

गीती गती वालों के लिये दो वर्ण।

(फ) अयोग्य को अस्थीयुत किये जाने की शर्त के अधीन वरिष्ठना के आधार पर ग्रेड में 5 वर्ष की नियमित रोधा वाले लिपितांगी पदोन्नति द्वारा 33-1/3 प्रतिशत ऐसा फरसे में अभावल होने पर रीढ़ी भर्ती द्वारा ।

(ख) निम्नलिखित कर्मचारियों में से 33-1/3 प्रतिशत पदोन्तति द्वारा । ऐसा न होने पर सीधी भर्ती द्वारा :

(i) प्रेड में तीन वर्ग की निरंतर, नियमित सेवा वाले स्नातक, युग 'ध' नामज्ञायियों द्वारा लेखाकारों वर्ग विभागीय परीक्षा उनके द्वारा उत्तीर्ण करने पर।

(ii) प्रेड में तीन वर्ष की नियन्त्रित नियमित सेवा वाले ऐट्रिग्युलेट लिंगियों द्वारा लेक्चराकारों की विभागीय प्रतिक्रिया दर्शाते हुए अस्थिर रूप से बदलते हैं।

iii) लिपिकों के लिए अनुभाग अधिकारी ग्रेड परीक्षा भाग। उत्तीर्ण घरने पर;

9. Whether age and educational qualifications prescribed for direct recruits will apply for promotees. No

10. Period of probation, if any: Two

Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer and percentage of vacancies to be filled by various methods

(a) 33-1/3% by promotion of Clerks, with five years regular service in the grade on seniority basis, subject to rejection of unfit, failing which by direct recruitment.

(b) 33.1/3 per cent by promotion from the following officials failing which by direct recruitments:

(i) Graduate Group 'D' officials with three years continuous regular service in the grade on passing the departmental Examination for Accountants.

(ii) Matriculate clerks with three years continuous regular service in the grade on passing the Departmental Examination for Accountants; and

(iii) Clerks on passing Part I of the Section Officer's Grade Examination.

(ग) 33-1/3 प्रतिशत श्रीधी भर्ती भारत ।

जो इस प्रकार अहंता प्राप्त करते हैं उनका पररायर रेंजिंग परस्तार वरिष्ठता के काम में होगा। (पररायर रेंजिंग के क्रम में जो किसी पूर्व परीक्षा में अहंता प्राप्त करते हैं तो उन सब का एक बार भी परीक्षा में अहंता प्राप्त करने वालों से ऊपर होगा; युग 'घ' कर्मचारी का ऐसा लिपिक के नीचे होगा।)

मिस्पणी, — 1. श्रीधी भर्ती वालों को तात्कालिक वरिष्ठता के अधीन परदोन्नत लिपिकों को, भारत के नियन्त्रित गद्दालेखापरीक्षक द्वारा निर्धारित रामय श्रीमा तथा अवसारों के अन्तर्गत एक विभागीय परीक्षा उत्तीर्ण करनी होगी, ऐसा करने में असफल होने पर श्रीधी भर्ती वालों को सेवा से निष्काशित किया जा सकता है तथा पदोन्नत व्यक्तियों को लिपिक रोड में पदावनत किया जा सकता है। तथापि, यह शर्त ऐसे लिपिकों पर लागू न होगी जो इन नियमों के लागू होने से तत्काल पूर्व से सेवा में हैं।

2. एक वर्ष अथवा अधिक अवधि के लिये पदधारी के प्रतिनियुक्ति पर स्थानान्तरित होने के कारण अथवा लम्बी वैतारी के कारण अथवा अध्ययन अवकाश पर होने के कारण अथवा अन्य परिस्थितियों के कारण होने वाली प्रेरणा

(c) 33-1/3% by direct recruitment.

(The inter-se ranking of those who so qualify will be in the order of their inter-se seniority, those qualify in any earlier examination ranking en-bloc higher than those who qualify in a later examination; Group 'D' officials will rank below clerks).

Note.

1. Direct recruits and clerks promoted on seniority basis are required to pass a Departmental Examination within such time limit and within such chances as prescribed by the Comptroller and Auditor General of India, failing which the direct recruits shall be liable to be discharged from service and the promotees reverted to Clerks' grade. This condition will not, however, apply to the Clerks who are in service immediately before the commencement of these rules.
2. Vacancies caused by the incumbent being away on transfer on deputation or long illness or study leave or under other circumstances for a duration of one year or more and required to be filled by direct

रिक्तियों को जिन्हें शापी भर्ती द्वारा परा जाना है प्रतिनिधि
भुक्ति पर स्थानान्तरण में अपार पर जिन्हें द्वारा छोड़ा जाता है।

(क) विभाग के अन्य कार्यालयों से लेखाकारों अथवा लेखापरीकारों
द्वारा,

(ख) विभाग के अन्य कार्यालयों से 5 वर्ष की नियमित सेवा
वाले लिपिक अथवा लेखाकारों या लेखापरीकारों के लिये
विभागीय परीक्षा उत्तीर्ण किये हुमे विधिक।

(ग) केन्द्र सरकार के अन्य लेखा संगठनों में समान पदधारी
कर्मचारी।

(फीडर श्रेणी में विभागीय अधिकारी जो पदोन्नति के
सीधे कम में हैं प्रतिनियुक्ति पर नियुक्ति के लिए विनाश
फरने योग्य नहीं होंगे। उसी तरह प्रतिनियुक्ति के लिये
विचार करने योग्य नहीं होंगे। उसी विभाग या
केन्द्र सरकार के लिये अन्य संगठन/विभाग में द्वारा नियुक्ति
के गुरुत्व पूर्व धारिया अन्य संवर्गोंतर पद पर प्रतिनियुक्ति
की अवधि गांदृत प्रतिनियुक्ति नहीं अवधि गांपात्यात्या तीन
वर्ष से अधिक नहीं होगी।)

भारतीय नेत्रा नया नेत्रा रोजा विभाग (नेत्राकर) [प्रिंजिट 24
भर्ती नियमावली, 1986

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recruitment may be filled on transfer on deputation
basis from—

(a) Accountants or Auditors from other offices
of the department; or

(b) Clerks' with five years regular service or clerks
who had passed the Departmental Examination
for Accountants or Auditors from other
offices in the department; or

(c) Offices holding analogous posts in other
Accounting Organisations of the Central
Government.

(The departmental officers in the feeder category who
are in the direct line of promotion will not be eligible
for consideration for appointment on deputation.
Similarly deputationists shall not be eligible for con-
sideration for appointment by promotion. The period
of deputation including the period of deputation in
another ex-cadre post held immediately proceeding
this appointment in the same or some other organisa-
tion/department of the Central Government shall
ordinarily not exceed three years).

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(ACCOUNTANT) RECRUITMENT RULES, 1986

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3. गरि गिरी अधिकारी की उत्तरोका गद (क) के अन्तर्गत परिवेश के आधार पर पद्धतिकारी को लिये विषार भिन्न जाता है (जहाँ परिवेश जागू है, यदि उन्होंने परिवेश सफलतापूर्वक पूरी तरह ली है) इस तथ्य के अध्युद यि उन्होंने लिया कि ज्ञान में सेवा के अधिक वर्ष पूरे न किए हों।

4. चूंकि लेखाकारों और पीड़ित संवर्ग के रांग में ये विभाग के लिये केन्द्रीयता नहीं लिये जाते हैं अतः उत्तरोका (क) और (ख) में प्रत्येक संवर्ग के लिये जागू विषय संबंधित छोटीगां कार्यालयों में गुरुपतं पीड़ित संवर्ग में होने चाहिये।

परिविद्युक्ति/स्थानान्तरण के द्वारा कॉलम 11 में यथा निर्दिष्ट।

परिविद्युक्ति/स्थानान्तरण किया

विभागीय पदोन्नति समिति है जूँ 'ग' विभागीय पदोन्नति गमिति का गठन निम्न प्रकार हो यथा है:-

1. वरिष्ठ उपाधिकारी/उपाधिकारी अपका प्रशासनिक या प्राप्त वाका गोई भविता इत्याकार अधिकारी।

Revised for local

recruitment by promotion/- As specified in column 11:-

transfer, grades from which

reputation/transfer to be

Departmental Promotion Committee, what is its composition ?

Group 'C' Departmental Promotion Committee consisting of:-

1. Senior Deputy Accountant General/Deputy Accountant General or an officer of equivalent rank in-charge or administration group.

2. कोई अन्य "एच उपग्रहलेखापातर/उपग्रहलेखाकार अथवा कोई शरणवादी रेक्ट्रोलास अधिकारी । (जिस कार्यालय में प्रयोगशाली पर विचार किया जा रहा है उग्रे द्वारा निर्दिष्ट प्राप्तिकालीन रूप) ।
3. एक लेखाधिकारी ।

टिप्पणी.—उपर्युक्त (1) धर्मा (2) में जरिणठारा अधिकारी अध्यक्ष होगा ।

परिस्थितिया, जिनके भर्ती करने में संघ लागू नहीं।
ताकि सब आयाग ये प्राप्ति किया
जाए।

2. Another Senior Deputy Accountant General, Deputy Accountant General or an officer of equivalent rank (from an office other than the one in which promotion are considered).

3. An Accounts Officer.

Note: The senior officer amongst (1) and (2) above will be the Chairman.

14. Circumstances in which Union Public Service Commission is to be consulted in making recruitment. Not applicable.

To

The Deputy Accountant General (A&E)
Manipur, Imphal.

Subject: Request for review on reversion from Accountant to Clerk
Typist.

Sir,

With reference to Estt(A&E)/order No. 26 dt. 1/6/2000 on the subject cited above, I have the honour to state that I was reverted from the grade of Accountant to Clerk/Typist with immediate effect without giving to me any opportunity to Show Cause Notice. In fact, reversion to a lower post without giving me any notice is a bad in law.

2. Moreover, I am a Schedule Caste appointed as C/T w.e.f. 7/7/94 and passed the Departmental Examination for Accountant and promoted as Acc'tt. w.e.f. 1-6-98 in S.C. quota after fulfilled Recruitment Rules for Accountants. As on 1/6/98 out of 26 posts of Accountant as on 31/5/98 the following persons are in the cadre of Accountant promoted on seniority basis

1. A.S. Achung (Seniority)
2. A. Kunjeshwar Sharma (Seniority)
3. W. Iboyaima Singh (Seniority)
4. H. Loken Singh (Seniority)
5. Shyama Neihsin (Seniority)
6. M. Surjit Singh (Seniority)
7. Y. Sarat Singh (Seniority)
8. Dongzathang (Seniority)

Other Accountants are promoted on Examination quota except Shri P. Iboyaima Singh, Acc'tt.

3. In 200 Post Based Roster for promotion operated from 2/7/97 effecting from the panel year 1998 i.e. 3/3/1998, point number 7 and 15 are reserved for S.C. Accordingly, 1 (seniority basis)+2 (Examination basis)=3 post of Accountants should be reserved for S.C. as on 1/6/98 in the post

*Alleged
Jeev Adhikari*

Contd./=

(2)

based roster. There is a general order for relaxation of promotion of the direct recruitment quota for the cadre of Accountant.

4. Till today no de-reservation have been made for the post of Accountant.

5. At present, there are only two S.C. Accountants in the cadre of accountant after my reversion w.e.f. 1/6/2000.

In such circumstance, I, therefore, request you to kindly review the case and revoke stay/suspend 'Reversion Order' in relation to my part only.

Yours Faithfully,

Dated/Imphal
02-06-2000

M. Sanatomba Singh
2/6/2K
(M. SANATOMBA SINGH)
Accountant (Reverted)

O/O the Sr. Dy. Accountant General (A&E),
Manipur, Imphal.

Enc:- Estt (A&E) / Order No. 26
dated 01-06-2000

Copy to:
General Secretary, CAA
Manipur, Imphal.

M. Sanatomba Singh
(M. SANATOMBA SINGH)
the Director,
National Commission for SC/ST
Govt of India

To

The Director
National Commission for Scheduled Caste and Scheduled Tribes
P.O. Ganeshguri
Guwahati 781005

Sub :- Review on reversion from Accountant to Clerk/Typist.

Ref :- Commission's letter No.6/25/2000-Gen. dated 30-06-2000.

Sir,

With reference to the above matter the Deputy Accountant General (A&E), Manipur vide his letter No.Estt(A&E)/2-65/PCA/96-97/801 dated 20-07-2000. (Copy enclosed) in lieu of revocation of my reversion order dated 01-06-2000 has stated that "there was no irregularity and miscarriage of justice in the process of reversion of a Junior and promotion of a senior official. It may also be stated that there is another official senior to Shri M. Sanatomba Singh in the cadre of Clerk/Typist belonging to SC category".

2. It is true that as on 01-06-1998 i.e. the date of promotion as Accountant from Clerk/Typist, the following persons are in the cadre of Clerk/Typist who belong to the category of Scheduled Caste and I am the juniormost Clerk/Typist in the Scheduled Caste Category.

Sl.No.	Name	Date of joining	SC accepted from	Dept'l. exam for Acctt.
1.	Shri Ksh. Bisheswor Singh,	24-02-1992	21-04-1992	Passed in Feb'96
2.	Shri M. Nungleiba Singh	13-05-1993	10-04-1992	Not yet passed.
3.	Shri M. Sanatomba Singh(Self)	07-07-1994	07-07-1994	Passed in Sep'97

However, as per Recruitment rules for Accountants, it was also stated that Clerk/Typist who passed Departmental Examination for Accountants earlier will en-bloc senior to those who passed later for the purpose of promotion as Accountant in Examination quota. Till date, Shri M. Nungleiba Singh, C/T could not clear the Departmental Examination for Accountant. Therefore, as on 01-06-1998 (Panel year 1998) both Shri Ksh. Bisheswor Singh, C/T and M. Sanatomba Singh, C/T (self) were eligible for promotion as Accountant in Examination quota. And Shri M. Nungleiba Singh, C/T was not eligible for promotion as Accountant on Examination quota as on 01-06-1998 as well as till date.

3. As per Para 2&3 of my representation dated 16-06-2000, I claimed that as per 200 Post Based roster, 3 posts of Accountant must be reserved for S.C. quota as on 01-01-1998 (Panel year 1998) in the cadre of Accountant as there are 26 posts in the cadre of Accountant. It seems the authority do not contradicted the same but the authority did not mentioned that they had promoted all the 3 posts under S.C. quota from the S.C.

*Alleged
Dual
Promotion
of C*

Clerk/Typist. In fact, as on the date of promotion of the applicant i.e. 01-06-1998, only one S.C. namely Shri H. Rosanta Singh, Accountant was on roll as S.C. Accountant. Therefore, 2 more C/Ts who belong to S.C. category must be filled up from 01-06-98 (Panel year 1998) on wards.

Therefore, both Shri Ksh. Bisheswor Singh, C/T and M. Sanatomba Singh, C/T (Self) were eligible for promotion as Accountant and necessary posts reserved for S.C. quota for promotion both the S.C. Clerk/Typist were also available as on 01-06-1998 (Panel year 1998). Therefore, the arguments furnished by the Deputy Accountant General (A&E), Manipur are not tenable and not acceptable to me.

I, therefore, request you kindly to revoke my reversion order so as to reinstate to the cadre of Accountant with retrospective effect from 01-06-2000 with monitory benefit for the ends of justice and social justice to S.C.

Encl :- 1. IA&AD (Accountant)
Recruitment Rules, 1986

Yours faithfully,

Dated/Imphal.
The 27th July, 2000

M. Sanatomba Singh
641 SYNATOMBA SINGH
Accountant (Revised)
To the Sr. D.A.G (A&E) Manipur.

Copy to:

The Dg. Accountant General (A&E)

Manipur.

with reference to his letter no. date 20-7-2k,

The Director
 National Commission for Scheduled Caste and Scheduled Tribes
 P.O. Ganeshguri
 Guwahati

Sub :- Review on reversion from Accountant to Clerk/Typist.

Ref :- Commission's letter No. 6/25/2000-Gen/680, dated 22-08-2000.

Sir,

With reference to the above matter the Deputy Accountant General (A&E), Manipur vide his letter No. Estt(A&E)/2-65/PCA/96-97/1168 dated 20-09-2000 (Copy enclosed) further in lieu of revocation of my reversion order dated 01-06-2000 has stated that "The case may be closed". If the commission accepted the view of the department, it would seriously affect my legitimate claim. I am further to furnish the following information for early decision from your end.

1. The following Clerk/Typist were promoted to Accountant from the cadre of Clerk/Typist after my promotion as Accountant with effect from 01-06-1998 as detailed below :

Sl.No.	Name	Grad. list Rank No.	Date of promotion		Remarks
			as Accountant	26-02-99	
i.	Shri O. Raghumani Singh, C/T	23			✓ Against 8 posts for Direct Recruitment. (33-1/3 %)
ii.	Smt. Rose Lallienmawi, C/T	24	01-03-99		- do -

[Extracts of Gradation list of 2000 enclosed]

2. The Commission's letter dated 22-08-2000 referred above already observed that "If it is true that there are 3 posts reserved for SC in the grade of Accountant and there were only two SC incumbent in that grade prior to June,2000, than perhaps it was not necessary to revert Shri M. Sanatomba Singh to promote Shri Ksh. Bisheswar Singh, instead a General Category candidate holding the post of Accountant apart the reserve post in the roster should have been reverted to accommodate Shri Ksh. Bisheswar Singh, SC candidate". The Deputy Accountant General(A&E), Manipur vide his letter dated 20-09-2000 cited above accepted that "3 posts have been reserved for SC out of 26 posts of Accountant" and established that still there is 1 post available reserved for SC for Direct Recruitment quota on regional reservation basis. However, even as on 01-06-2000 i.e. the date of reversion, all the posts of Accountant had been occupied by different incumbents/ persons with Smt. Rose Lallienmawi, the juniormost ST promotee and Shri O. Raghumani Singh, the juniormost General Category promotee. As such amongst the juniormost promotees either Shri O. Raghumani Singh or Smt. Rose Lallienmawi who has occupied the lone post reserved for SC in direct recruitment quota shall be reverted in lieu of the applicant with effect from 01-06-2000 if reversion is resorted from the promotees.

*Pls. note
Ans. to
Smt. Rose Lallienmawi*

3. Till date I am the only SC Clerk/Typist recommended by the DPC for promotion as Accountant, per Recruitment Rules but not yet promoted as Accountant in the office due to issue of my reversion order dated 01-06-2000 by the appointing authority.

I, am therefore, of the opinion that my reversion from the post of Accountant to Clerk/Typist with effect from 01-06-2000 has no valid basis and the Commission may do the needful for revocation of my 'reversion order' as requested earlier at an early date.

Yours faithfully,

Dated/Imphal.
The. 26th Sept, 2000

M. Sanatomba Singh

(M. SANATOMBA SINGH)

Accountant (Reverted)

O/o the Sr.DAG(A&E),Manipur.

Copy to :-

The Dy/Accountant General(A&E),Manipur.
with reference to his letter No. dated 20-09-2000.

9/c

भारत सरकार

राष्ट्रीय अनुसूचित जाति तथा अनुसूचित जनजाति आयोग

राज्य कार्यालय : गुवाहाटी

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

STATE OFFICE : GUWAHATI

जी० एस० रोड, क्रिस्चयन बस्ति

G. S. Road, Christian Basti

गुवाहाटी/Guwahati-781 005

दिनांक/Date.. 21.8.2000

To

The Sr. Deputy Accountant General (A&E),
 Government of India,
 Imphal,
 Manipur.

Sub: Representation of Shri M. Sanatomba Singh,
 Clerk/Typist on the matter of his reversion from
 Accountant to Clerk/Typist : regarding

Sir,

I am to invite the reference to your office letter No. Estt(A&E)/2-65/PCA/9697/801 dated 20.7.2000 on the subject cited above, furnishing thereby the facts of the case. Meanwhile, Shri M. Sanatomba Singh, Clerk/Typist has further raised certain points vide his letter dated 27.7.2000 (Copy enclosed) in response to your above referred letter, a copy of which was endorsed to him.

While examining the matter, it has been noted that Shri M. Sanatomba Singh has not disputed the fact that in view of senior most among the SC clerk/typist and being cleared the departmental examination, the DPC promoted Shri Ksh. Bishewar Singh against quota reserved for SC. The point made by the representationist is that there are 26 posts of Accountant to be filled up either on the basis of promotion by seniority or by examination quota. Even if the roster is maintained separately for promotion by seniority and by examination, 3 posts should have been reserved for SC out of 26 posts of Accountant. Taking into account the promotion of Shri Ksh. Bisheswar Singh, only two SC candidates have so far been promoted. Therefore, still there is a backlog for SC in the grade. This point may please be examined thoroughly and please submit a detailed report alongwith a copy of the roster maintained for the grade of Accountant.

Contd.....2/-

*Admitted
Laljib Devi*

Further, it is seen that Shri M. Nungleiba Singh, C/T is senior than Shri M. Sanatomba Singh but it may please be confirmed whether the former who has not yet passed the departmental examination could be promoted prior to the latter, who has already passed the departmental examination during Sept, 1997.

It is also seen that Shri M. Sanatomba Singh, C/T was initially promoted to the post of Accountant vide order dated 01.06.98 and subsequently reverted to the post of Clerk/Typist w.e.f. 01.06.2000. If it is true that there are 3 posts reserved for SC in the grade of Accountant and there were only two SC incumbent in that grade prior to June'2000, then perhaps it was not necessary to revert Shri M. Sanatomba Singh to promote Shri Ksh. Bisheswar Singh, instead a general category candidate holding the post of Accountant against the reserve point in the roster should have been reverted to accomodate Shri Ksh. Bisheswar Singh, SC candidate.

As per DOPT O.M. No. AB 14017/30/89-Estt.(RR) dated 10.7.90, the cadre which contains an elevent of direct recruitment, as such dereservation of vacancies is not allowed and the same was communicated to you vide the Comptroller and Auditor General of India, New Delhi letter dated 14.12.98. Therefore, if there are 3 posts reserved for SC in the grade of Accountant, in no means those post could be filled up by the candidate belongs to general category.

Therefore, the whole issue is to be examined in the light of the above observation of this Commission and a detailed report may please be submitted to this office within one month of receipt of this letter for further necessary examination by this office.

Yours faithfully,

(J. PODDAR)
DIRECTOR

Encl: As above.

Contd....3/-

No.6/25/SC/2000-Gen. 1680

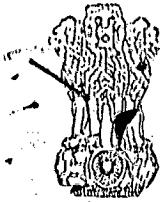
Dated: 22.8.2000

Copy to :-

1. The Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi-110002 for kind information.
2. Shri M. Sanatomba Singh, C/T, O/O the Senior Deputy Accountant General(A&E), Manipur, Imphal.

Lal
22/8/00

DIRECTOR



सत्यमेव जयते No. Estt(A&E)/2-65/PCA/96-97/

प्रधानमंत्री द्वारा संचालित अधिकारी विभाग
मणिपुर, इमफाल - 795 001

OFFICE OF THE
SENIOR DEPUTY ACCOUNTANT GENERAL (A&E) 29
MANIPUR, IMPHAL - 795 001
Dated 20-09-2000

To

The Director,
National Commission for SC and ST,
Government of India, Guwahati - 781 005.

Sub:- Representation of Shri M. Sanatomba Singh, C/T on the matter of his recension
from Accountant to Clerk/Typist - regarding.

Sir,

I am to invite a reference to your letter No. 6/25/SC/2000-Gen/678 dated 22-08-2000 on the subject cited above and to submit a detailed report vis-a-vis the roster maintained in the office for the grade of Accountant.

As per recruitment Rules and Post Based Roster System 26 posts of Accountant are required to be filled in as under:-

i) By promotion - Seniority quota.

33-1/3% of 26 posts = 9 posts (rounded) are to be filled in by 6(UR), 2(ST) and 1(SC)

✓ ii) By promotion - Departmental Examination quota. -

33-1/3% of 26 posts = 9 posts (rounded) are to be filled in by 6(UR), 2(ST) and 1(SC)

iii) By Direct Recruitment quota on regional reservation basis.

33-1/3% of 26 posts = 8 posts are to be filled in by 4(UR), 2(ST) and 1(SC) and 1(OBC)

3 posts have been reserved for SC out of 26 posts of Accountant, of which, one post of SC is to be filled in by Direct Recruitment quota and 2 posts by promotion quota. Since there are already two SC incumbents viz H. Rosanta Singh and Ksh. Bisheswar Singh against (i) and (ii) above there is no backlog for SC in the promotion quota in the grade of Accountant.

Shri M. Nungleiba Singh, C/T and Shri M. Sanatomba Singh, C/T will be promoted to the post of Accountant when their turn comes if vacancy arises under category (I) above.

It is also confirmed that Shri M. Sanatomba Singh, C/T will be promoted to the post of Accountant under category (ii) above prior to Shri M. Nungleiba Singh, C/T if the latter does not clear departmental examination. However, if Shri M. Nungleiba Singh, C/T clears departmental examination before Shri M. Sanatomba Singh, C/T is promoted to the post of Accountant, then the former will be considered first than the latter for promotion under departmental examination quota which is again based on seniority cum fitness. The case may be closed.

Yours faithfully

S.C./-

Dy. Accountant General (A&E) ACCOUNTS IMPHAL

हेल्पलाइन/Phone : 0385-228526 (O)

फैक्स/Fax : 0385-228525

*Allected
Sanatomba*

31
Memo No.Esst (A&E)2-65/PCA/96-97/ 1168

Dated 20-09-2000

Copy to:-

✓ Shri M.Sanatomba Singh, C/T for information.

✓ *Nil 20/9/00*
Sr.Accounts Officer/Admn.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI
Guwahati Bench

O.A. No.355/2001

Shri M.S. Singh

..... Applicant

- Vs -

Union of India & Ors.

..... Respondents.

(Written statements filled by the Respondent No. 2)

Respectfully Sheweth,

1. That a copy of the above noted O.A. No.355/2001 (referred to as the "application") have been served on the respondents. The respondents have gone through the same and understood the contents thereof, the interest of all the respondents being similar, common written statements are filed for all of them.
2. That, the statements made in the application, which are not specifically admitted, are hereby denied by the respondent.
3. That with regard to the statements made in para 1 of the application, the respondents state that there was one post lying vacant in the cadre of Accountant. As per roster the post was to be filled in by promotion from a Clerk/Typist out of the candidates belonging to the member of Scheduled Caste who qualified in the Departmental Examination for Accountant and other examination prescribed in the Recruitment Rules of the Accountant. List of the candidates under the zone of consideration and their particular is enclosed herewith as Annexure – R1.

Shri Ksh. Bisheswar Singh, Clerk/Typist was the seniormost among the 4(four) Scheduled Caste candidates and 2nd senior most was Shri M. Nungleiba Singh while the applicant was below them in order of seniority. The 1st and 2nd joined this office as unreserved category. However, they submitted the SC Certificate subsequently on 17-11-95 and 13-05-93 with the certificates of SC dated 21-04-92 and 10-04-92 respectively. There were protracted correspondence with O/o the C&AG of India to affirm their status. Meanwhile, pending receipt of the clarification /decision from the C&AG of India, the

File No. 605/2001
B. C. Pathak
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench: Guwahati

applicant, who was in the third position, was allowed to officiate in the post of Accountant as an interim measure in the exigencies of the work. On receipt of the clarification/decision from the C&AG of India another DPC reviewed the proceeding of the earlier DPC promoting the applicant on officiating basis under the provision of Para 18.1 of Chapter 49 of Manual on Establishment and Administration. The senior has been considered for promotion as per law and hence, there is no question of any arbitrary action on the part of the respondents.

2

A photo copy of the provision of Para 18.1 is enclosed herewith as Annexure – R2

4. That with regard to the statements made in para 2, 3 and 4.1 of the application, the respondents have no comments to offer.
5. That with regard to the statements made in para 4.2, the respondents state that though the applicant was a member of SC, the Staff Selection Commission recommended him as "General" on the merit basis and hence was appointed against an unreserved vacancy.
6. That with regard to the statements made in para 4.3, the respondents state that not only the applicant, other officials, who were eligible to appear in the Departmental Examination were also allowed to appear in the departmental examination. The applicant was not promoted on regular basis but allowed to officiate in the post of Accountant until further orders vide Annexure – 1 to the O.A. No.355/2001.
7. That the respondents deny the correctness of the statements made in para 4.4 and reasserts the foregoing statements made in this written statements.
8. That with regard to the statements made in para 4.5, the respondents state that there was only one vacant post in the cadre of Accountant reserved for SC candidate against which the applicant was promoted to officiate as Accountant until further orders. There is no dereservation of reserved post in the cadre. Therefore, the statements of the applicant are not correct and hence denied.
9. That with regard to the statements made in para 4.6, the respondents state that the applicant has also admitted that Shri Ksh. Bisheswar Singh was senior to the applicant in all respects. Therefore the senior most is promoted against the single vacant post and hence there is no illegality.
10. That with regard to the statements made in para 4.7, the respondents state that there was no illegal and arbitrary action on the part of the appointing authority while reverting the

applicant from the post of Accountant. The applicant had been appointed on officiating basis until; further orders only. Mere officiating would not confer any such right of promotion. The representation submitted by the applicant is pending disposal.

11. That with regard to the statement made in para 4.8, the respondents state that the observation of the National Commission for Scheduled Caste and Scheduled Tribe was commented upon vide letter No.Estt(A&E)/2-65/PCA/96-97/1167 dated 20-09-2000 (Annexure IX to the application). Hence, the position was apparently made clear.
12. That with regard to the statements made in para 4.9, the respondents state that as stated above there was only one vacant post reserved for Scheduled Caste. The promotion of Shri O. Raghumani Singh and Smt. Rose Lallienmawi were not made against the slot reserved for SC candidate but made against the slot for General Category. They were senior to the applicant in all respects. Hence the allegation of the applicant is not true.
13. That with regard to the statements made in para 4.10, the respondents state that the applicant was not reverted as a matter of penalty, but reverted when the eligible seniormost candidate was promoted to the lone vacant post against which the applicant had been allowed to officiate. He was promoted on officiating basis until further orders and not on regular basis. In such circumstances, it is not necessary to hear the applicant. In doing so there is no violation of any rules or principles of natural justice. While reverting the applicant, the payment so made to him has not been recovered. On reversion, the applicants is paid in his original scale of pay with the increments falling due to him.
14. That with regard to the statements made in para 4.11 and 4.12, the respondents state that there is no illegal and arbitrary action on the part of the respondents while promoting the seniormost eligible SC candidate against the lone vacant post which was temporarily officiated by the applicant pending receipt of the clarification/decision from the higher authority.
15. That with regard to the statements made in para 5.1 to 5.7, the respondents state that the proceeding of the DPC was reviewed by another DPC under the provision of para 18.1 of Chapter 49 of Manual of Establishment and Administration incorporating the names of all eligible SC candidates under the zone of consideration as shown in the Annexure – R1 above. The applicant was promoted to the post of Accountant on officiating basis until further orders. By allowing him to officiate temporarily he has not acquired a right to supersede his seniors. The applicant has misconstrued the position of the post reserved for SC candidates. Out of three posts reserved for SC candidates, two posts are to be filled in by promotion quota and another one by Direct Recruitment quota as per

4

Recruitment Rules of Accountant. Out of the two posts in the promotional quota one post was already filled by Shri H. Rosanta Singh (SC). Hence, there was only a single vacant post reserved for SC candidate against which Shri Ksh. Bisheswar Singh who is senior to the applicant, was allowed to officiate in place of the applicant. Hence, there is no violation of Article 311(2) of the Constitution of India while reverting the applicant who was allowed to officiate as Accountant until further orders. The respondents also state that the facts of the O.A. No.198/2000 does not apply to the present case as the same is factually different. The respondents also do not admit anything which is not supported by records and evidence.

16. That with regard to the statements made in para 6 and 7, the answering respondents have nothing to comment.
17. That with regard to the statements made in para 8.1 to 8.4 and 9 of the application, the respondents state that under the facts and circumstances of the case as stated above, and the law involved therein, the applicant is not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed as devoid of any merit, with cost.

In the premises aforesaid, it is therefore prayed that Your Lordship would be pleased to hear the parties, peruse~~s~~ the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

Lhunkhothang Hangsing

VERIFICATION

I, Shri Lhunkhothang Hangsing, presently working as the Deputy Accountant General(A&E), O/o the Accountant General(A&E), Manipur, Imphal being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para.1,2,4,11,15. are true to my knowledge and belief, those made in para 3,5,6,7,8,9,10,12,13,14,16 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 29th day of November, 2001 at Guwahati.

Lhunkhothang Hangsing

Deponent

Annexure - R

ANEXURE - A

Statement showing the list of the candidates (Clerk/Typist) belonging to the member of Scheduled Caste available in the DPC held on 22-05-1998.

Sl. No.	Name & Designation	Date of joining	Category at the time of joining	Date of granting SC status	Passing of Departmental Examination for Accountant	Remarks.
1	Shri Ksh. Bisheswar Singh	24-02-1992	UR	21-04-1992	February, 1996	
2	Shri M. Nungleiba Singh	13-05-1993	UR	10-04-1992	September, 2000	
3	Shri M. Sanatomba Singh	07-07-1994	SC	Joined as SC	September, 1997.	
4	Shri I. Jayanta Singh	07-09-1995	SC	Joined as SC	Not yet.	


Sr. Accounts Officer/Admn.

17.13.2 The date of commencement of the validity of panel will be the date on which the DPC meets. In case the DPC meets on more than one day, the last date of the meeting would be the date of commencement of the validity of the panel. In case the panel requires, partially or wholly, the approval of the Commission, the date of validity of panel would be the date (of Commission's letter) communicating their approval to the panel. It is important to ensure that the Commission's approval to the panel is obtained, where necessary, with the least possible delay.

Review of panels

17.14 The 'select list' should be periodically reviewed. The names of those officers who have already been promoted (otherwise than on a local or purely temporary basis) and continue to officiate should be removed from the list, and rest of the names, if they are still within the consideration zone, along with others who may now be included in the field of choice should be considered for the 'select list' for the subsequent period.

PART VI REVIEW DPCs

When Review DPCs may be held

18.1 The proceedings of any DPC may be reviewed only if the DPC has not taken all material facts into consideration or if material facts have not been brought to the notice of the DPC or if there have been grave errors in the procedure followed by the DPC. Thus, it may be necessary to convene Review DPCs to rectify certain unintentional mistakes, e.g.,—

- (a) where eligible persons were omitted to be considered; or
- (b) where ineligible persons were considered by mistake; or
- (c) where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC; or
- (d) where some procedural irregularity was committed by a DPC; or
- (e) where adverse remarks in the CRs were toned down or expunged after the DPC had considered the case of the officer.

✓ These instances are not exhaustive but only illustrative.

Scope and procedure

18.2 A Review DPC should consider only those persons who were eligible as on the date of meeting of original DPC. That is, persons who became eligible on a subsequent date should not be considered. Such cases will, of course, come up for consideration by a subsequent regular DPC. Further the review DPC should restrict its scrutiny to the CRs for the period relevant to the first DPC. The CRs written for subsequent periods should not be considered. If any adverse remarks relating to the relevant