

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,
GUWAHATI.

ORDER SHEET

✓ Original No. 86 /2002✓
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s) L. Abhat S Dami

Respondent(s) Union of India & ors.

Advocate for Applicant(s) Mr. G. Sarma, Mrs. B. Goyal.

Advocate for Respondent(s) C. H. S. C.

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
This is application in form C. F. for Rs. 50/- deposited vide IPO/50 No. <u>QTF...84227</u> Dated ... <u>11/03/2002</u> <u>13/3/02</u> Dy. Registrar	13.3.2002	On the prayer of the learned counsel for the applicant the case is again listed. for admission on 15.3.2002. <u>K. L. Sharma</u> Member <u>[Signature]</u> Vice-Chairman.
<u>bb</u> <u>13/3/02</u> <u>15.3.02</u> <u>13/3/02</u> <u>15.3.02</u>	15.3.02	Mrs. B. Goyal, learned counsel for the applicant prayed for some time to obtain necessary instructions on the matter. Prayer is allowed. List on 19.3.2002 for admission. <u>K. L. Sharma</u> Member <u>[Signature]</u> Vice-Chairman
<u>mb</u> <u>19.3.02</u>	19.3.02	List on 4.4.2002 for admission as pra- yed by learned counsel for the applicant. <u>[Signature]</u> Vice-Chairman
<u>mb</u>		

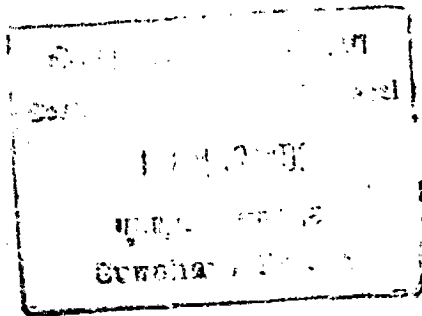
4.4.02

Mrs.B.Gayal learned counsel appearing on behalf of the applicant states that the applicant is not interested to pursue the application in view of certain developments. Mr.B.C.Pathak, learned Addl.C.G.S.C. has no objection. Application is dismissed on withdrawal. Liberty is given to the applicant to file a fresh application if, he aggrieved

9/4/2012
Copy of the order
has been sent to the
officer for issuing
the same to the L/Adm.
for the parties.
HS

Member

lm



Filed by

(L. Appat Swami)
Applicant

Through
Subite foral
Advocate
11.3.02.

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

(An application under Section 19 of the Administra-
tive Tribunal Act, 1985)

TITLE OF THE CASE : ORIGINAL APPLICATION NO. 86/2002
/2002

SRI L.Appat Swami.

... APPLICANT

-VERSUS-

UNION OF INDIA & ORS.

...RESPONDENTS

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=====		
FOR USE IN TRIBUNAL'S OFFICE		
1.	Date of filing : <u>Annexure VI</u> <u>Annexure VII</u>	22 23 - 27
2.	Date of registration :	
3.	Registration No. :	

REGISTRAR.

Contd..... p/-

[2]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH AT GUWAHATI

ORIGINAL APPLICATION NO. 96 OF 2002
BETWEEN

Shri L.Appat Swamy,
son of late L.A.Naidu,
presently working as Divisional Accountant,
Office of the Executive Engineer,
P.W.D. Yemcha, West Siang District,
Arunachal Pradesh.

--- APPLICANT.

-Versus-

1. Union of India
represented by the Secretry,
Comptroller & Auditor General of India,
Bahadur Shah Zaffar Road,
Indraprastha Head Post Office,
New Delhi-110 002.
2. The Government of Arunachal Pradesh,
represented by the Commissioner & Secretary
Public Health Engineering Department,
Itanagar, Arunachal Pradesh.
3. The Controller & Auditor General of India,
Bahadur Shah Zaffar Road,
Indraprastha Head Post Office,
New Delhi-110 002.
4. The Accountant General(A&E),
Shillong, Meghalaya.
5. The Chief Engineer (EZ),
P.W.D., Itanagar.
6. The Chief Engineer,
Public Health Engineering Division,
Arunachal Pradesh, Itanagar.
7. The Senior Deputy Accountant General(Admn)
Office of the Accountant General (A&E),
Meghalaya etc., Shillong.
8. The Senior Deputy Accountant General,
Office of the Accountant General,
Meghalaya etc., Shillong.

Contd..... p/-

[Signature]
(L. Appal Swami)

[3]

9. The Director of Accounts,
Government of Arunachal Pradesh,
Nahalagun, Arunachal Pradesh.
10. Executive Engineer,
Public Health Engineering Division,
Khonsa, District Tirap, Arunachal Pradesh.

... RESPONDENTS.

DETAILS OF THE APPLICATION :

1. Particulars of the order against which the application is made :

This application is made against the Order issued under Memo No.DA Cell/22-46/92-93/2000-01/Vol.II/ 1177-82 dated 13.02.2002 issued by the Respondent No.4 and 7, by which the applicant is repatriated to his parent department i.e. Respondent No.10.

2. Jurisdiction :

The applicant declares that this Hon'ble Tribunal has got jurisdiction to adjudicate the matter in regard to which this application is made.

3. Limitation :

The applicant further declares that this application is well within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

- 4.1 The applicant is a citizen of India and as such is entitled to all the rights and privi-

Contd..... p/-

X
[Signature]
(L. Appal Sreeni)

[4]

leges guaranteed to a citizen of India under the Constitution of India and other laws of the country.

4.2 That your humble applicant states that a final accounts examination was conducted by the Respondent No.4 in January, 1990 for the Arunachal Pradesh Government Employees wherein the applicant being eligible also appeared. The applicant qualified himself in the said examination and his name appeared at Serial No.17 as per the Notification No.Co-ord/5-3/89-90/3885 dated Shillong the 20.02.90.

A copy of the notification dated 20.02.90 is annexed hereto and marked as ANNEXURE-I.

4.3 That your humble applicant in response to an advertisement/ circular made by the Respondent No.3 in 1998 inviting applications for the post of Divisional Accountants on deputation, the applicant made an application through proper channel conveying his desire to go on deputation for the post of Divisional Accountant under the Respondent no.4. The Respondent No.2 accordingly forwarded the applicant's application to the officer of the Respondent No.8 for considering his case vide letter No. CEAP(EZ)/E/-II/6/97/9223-25 datd 23.02.98.

Contd..... p/-

Appal Swami
(L. Appal Swami)

A copy of the letter dated 23.02.98 is annexed hereto and marked as ANNEXURE-II.

4.4 That your humble applicant states that consequently the applicant was selected for the post of Divisional Accountant (on deputation basis) in the pay scale of Rs.5000-150-8000/- in the combined cadre of Divisional Accountant under the administrative control of the Office of the Accountant General (A&E), Meghalaya etc., Shillong and the applicant who was at the relevant time working in the office of the Executive Engineer, Roing, P.W.D., Arunachal Pradesh was posted on deputation as Divisional Accountant in the office of the Executive Engineer, Kalaktang PWD Division vide letter No.EO.No.DA.Cell/232 dated 11.03.99 issued by the Respondent No.4. By the said letter dated 11.03.99 the applicant was directed to join the aforesaid post within 30 days from the date of issue of the order. Accordingly, the petitioner joined the post within the specified time. It may be stated that initially the period of deputation was for one year from the date of joining the office. Subsequently, the period of deputation was extended from time to time and the applicant was transferred and posted at different places as Divisional Accountant and is at present posted as such, in the office of the Executive Engineer, Khonsa,

Contd..... p/-

[6]

a
[Signature]
(L. Appel Sreeni)

PHE Division.

A copy of the letter dated 11.03.99 is annexed hereto and marked as ANNEXURE -III.

4.5 That your applicant states that by now the applicant has put in about 32 years of service and has only 3 years of service left to retire from service. However, the petitioner's term of deputation having been last extended upto 28.02.2002 the Respondent No.4 vide its letter issued under Memo. No.DG.Cell/22-46/92-93/2000-01/Vol.II/1177-82 dated 13.02.2002 to the respective Executive Engineers directed that the applicant and some others are repatriated to their respective parent department and as such may be released accordingly. The name of the applicant appeared at serial No.1. However, it may be stated that the applicant has not been released and has not handed over his charge as yet and the petitioner is still working as Divisional Accountant on deputation in the office of the Respondent No.10.

A copy of the letter dated 13.02.2002 which is impugned in this application is annexed hereto and marked as ANNEXURE-IV.

4.6 That your applicant states that at the time when the matter regarding transfer of the cadre of Divisional Accountant to the State of Arunachal Pradesh was under consideration of the

Contd..... p/-

[7]

Government of Arunachal Pradesh, the Respondent No.2, vide letter No. DA/TRY/15.99 dated 12.01.2000 issued to the Respondent No. 4 had conveyed its proposal to take over those persons who are willing to opt to be transferred to the State of Arunachal Pradesh. But while issuing the impugned order of repatriation, the applicant was not consulted and all of a sudden the impugned was issued direction to release the applicant immediately. It may be stated that till date the applicant has not been served with the impugned order. The applicant on coming to learn of such an order having been issued obtained a copy of the order.

A copy of the letter dated 12.01.2000 is annexed hereto and marked as ANNEXURE-V.

4.7 That the applicant states that the Respondents have acted arbitrarily in issuing the impugned order dated 13.02.2002 without consulting and giving notice to the applicant and that too when the applicant has a very short period of service left to retire.

4.8 That the applicant states that similarly situated persons had approached this Hon'ble Tribunal and this Hon'ble Tribunal has been pleased to grant them the relief prayed for. The humble applicant prays for a similar relief.

Copies of two orders passed by this

Contd..... p/-

10
[Signature]
(L. Appel Swami)

[8]

"
S. K. Swami
(L. Appeal Swami)

Hon'ble Tribunal are annexed hereto and marked as ANNEXURE-VI & VII respectively.

5. Grounds for relief with legal provisions :

5.1 For that the impugned order dated 13.02.2002 is violative of the principles of natural justice.

5.2 For that the impugned order dated 13.02.2002 is violative of Articles 14 and 16 of the Constitution of India.

5.3 For that the letter dated 13.01.2000 (Annexure-V) having conveyed its proposal to take over only those persons who are willing to be transferred to the State of Arunachal Pradesh, the impugned order dated 13.02.2002 is inconsistent with the said letter dated 13.01.2000 taking the applicant in surprise and as such the impugned order dated 13.02.2002 is liable to be set aside and quashed.

5.4 For that the applicant having only 3 years of service left to retire, the applicant would not like to exercise his option to be transferred to the parent department and the impugned order dated 13.02.2002 having been issued inconsistent with the letter dated 13.01.2000, the impugned order dated 13.02.2002 is liable to be set aside and quashed.

Contd..... p/-

Applicant
(L. Appeal Swami)
12

[9]

5.5 For that the impugned order dated 13.02.2002 is violative of equity and good conscience and as such liable to be interfered with.

5.6 For that it is a fit case where the Hon'ble Tribunal can intervene in the interest of justice.

6. Details of remedies exhausted :

The applicant begs to state that he has exhausted all remedies available to him and there is no other alternative remedy than to approach this Hon'ble Tribunal by way of filing this application.

7. Matter not previously filed or pending before any other Court :

The applicant further begs to declare that he has not previously filed any writ petition, application or suit before any court or authority or any other Bench of the Hon'ble Tribunal regarding the grievance for which this application has been made nor they are pending before any one of them.

8. Relief sought for :

Under the fact and circumstances, the applicant prays that the instant application be

Contd..... p/-

[10]

(L. Appel Swami)

admitted, records be called for and after hearing the parties on cause or causes that may be shown and/or perusal of the records be further pleased to grant following reliefs :

8.1 Order may kindly be passed directing the respondents to cancel/ withdraw / review the order issued under Memo No.DA Cell/22-46/92-93/2000-01/ Vol.II/ 1177-82 dated 13.02.2002 (Annexure-IV)

8.2 Direct the respondents to absorb the applicant as Divisional Accountant.

8.3 To direct the respondents so that the applicant gets complete justice.

8.4 Cost of the application.

8.5 Any other relief /reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper.

9. Interim order prayed for :

Pending disposal of this application, the applicant prays that the impugned order issued under Memo No.DA Cell/22-46/92-93/2000-01/ Vol.II/ 1177-82 dated 13.02.2002 (Annexure-IV) be stayed

10. Application is filed through Advocate :

Contd..... p/-

[11]

(L. Appal Sanyal)
14

11. Particulars of IPO :

- | | |
|----------------------|--|
| (i) <u>Draft</u> No. | - 842127 |
| (ii) Date of issue | - 11.3.02 |
| (iii) issued from | - <u>DCO Bank, Rajgarh</u>
<u>Guwahati Branch</u> |
| (iv) Payable at | - Guwahati. |

12. List of Annexures : As stated in Index.

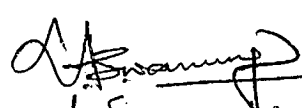
Verification

[12]

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

I, Shri L.Appat Swami, son of late L.A.Naidu, aged about 55 years, presently working as Divisional Accountant, Office of the Executive Engineer, P.W.D. Khonsa, West Siang District, Arunachal Pradesh, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 4.1 to 4.5, 4.7, 6 & 10 are true to my knowledge, those made in paragraphs 4.6 and 4.8 being matters of record are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this verification on this the 11th day of March, 2002 at Guwahati.


(L. Appat Swami)
A P P L I C A N T

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), ASSAM, DISANGALAYA
ARUNACHAL PRADESH & MIZORAM: SHILLONG

No. Co-ord/5-3/89-90/3885, Dated Shillong 20.2.90

NOTIFICATION

The following of the candidates, who appeared for the Final Accounts Examination for Arunachal Pradesh Govt. employees held in January, 1990 are declared to have passed the examination.

<u>Sl.No.</u>	<u>Name</u>	<u>Index No.</u>
1.	Shri C.A. Manhai	AP/1
2.	Shri C.T. Loungchot	AP/2
3.	Shri Tari Maga	AP/3
4.	Shri Dorjee Phuntso	AP/4
5.	Shri S. Chakraborty	AP/5
6.	Shri Koj Tani	AP/6
7.	Shri Tasop Kiolu	AP/8
8.	Shri Someer Riqia	AP/9
9.	Shri Dongo Tara	AP/10
10.	Shri B. Gogoi	AP/11
11.	Shri S. Chanda	AP/12
12.	Shri Sanjoy Chakraborty	AP/13
13.	Shri P.C. Borthakur	AP/14
14.	Shri B.K. Chakraborty	AP/15
15.	Shri Kutpil Pertin	AP/16
16.	Shri Mrinal Basak	AP/17
17.	Shri L. Appal Swami	AP/18
18.	Shri S.K. Deb	AP/20
19.	Shri M.B. Nath	AP/21
20.	Shri Chow Wingkhon Lohan	AP/22
21.	Shri Abang Borang	AP/23
22.	Shri Chow Ming Hounkang	AP/24
23.	Smt Sakuntala Ering	AP/25
24.	Shri S. Sarmah	AP/26
25.	Shri S. Goswami	AP/27
26.	Shri P. Hesarika	AP/29
27.	Shri R.C. Upadhyay	AP/34

Sd/- Audit Officer.

.....P/2

Attended
18/2/90
sd/-

: 2 :

Memo No. DA/Estt/27/89

Dated: Baharlagun, the 27.3.90

Copy forwarded for information and necessary action to the :

1. The Deputy Secretary (G.), Govt of Arunachal Pradesh, Itanagar.
2. The Deputy Commissioners, ~~Tawang~~/Daporijo/Pasighat/
Khonsa/Changlang/Tezu/Seppa and Zuni.
3. The Chief Engineer, PWD, Zone-I & II, Itanagar.
4. The Chief Engineer, PWD, Itanagar.
5. The Director of Industries, Itanagar.
6. The General Manager, State Transport Department, Baharlagun.
7. The Director of AH & Vety, A.P., Baharlagun.
8. The Director of Rural Development, A.P., Itanagar.
8. The Dy. Director of Supply & Transport, Mohanbari.
10. The Director of Agriculture, A.P., Baharlagun.
11. The Executive Engineer, Planning Division, Rupa Circle, PWD, Rupa.
12. The Executive Engineer, Changlang Division, PWD, A.P.
13. The Superintending Engineer, Jorhatour Circle, PWD, Jorhatpur - 792 121.
14. The Executive Engineer, Looding, PWD, Looding-786 631
15. All the trainees (by name paper list)

Shw. L. Appal Sanyal
C/O. Executive Engineer
Changlang Division
PWD. A.P.
Changlang

(R.K. Seal)
Accounts Officer,
Directorate of Accounts,
Baharlagun.

GOVERNMENT OF ARUNACHAL PRADESH
PUBLIC WORKS DEPARTMENTGRAM :: CHIEFWORKS
PHONE :: 212427Office of the Chief Engineer,
Eastern Zone, PWD, AP, ItanagarNO. CEAP(EZ)/E-II/6/97/ 9223 -25
TO,

Dated. 23/2/98.

The Senior Accounts Officer,
I/C D.A. Cell,
O/o Accounts General (A&E)
Meghalaya etc,
Shillong.Sub:- Invitation of application for the post of Divisional
Accountant or Deputation.Ref:- Your circular NO. DA, Cell/2-49/97-98/ Vol- II/245,
dated. 20.1.98.

Sir,

With reference to your above quoted circular an applica-
-tion alongwith its enclosures received from Sri L. Appal Swami, UDC
of Roing PW Division, AP. in prescribed Proforma duly filled in for
the post of Divisional Accountant is forwarded herewith the recom-
-mandation for consideration/appointment as D.A on deputation.

It is certified that there is no court case/ disciplinary
action pending or contemplated against the official as per record of
this office is concerned.

Enclo:- One application one
copy of certificate
& one copy of Notifi-
-cation NO. Co-one/5-3/
/89-90/3885 dated. 20.2.90

Yours faithfully,

(M. Bagchi)
Engineer Officer,
to Chief Engineer (EZ)NO. CEAP(EZ)/E-II/6/97/ 9223 -25
Copy to:-

Dated. 23/2/98.

1. The Executive Engineer, Roing PW Division, Roing
Dibang Valley, AP. for information with reference to
his letter NO. RD/E-16/97-98/2194-95, dated. 9.2.98.
2. Sri L. Appal Swami, UDC, O/o Executive Engineer, Roing.

(M. Bagchi)
Engineer Officer

OFFICE OF THE ACCOUNTANT GENERAL (AGE), MEGHALAYA, ARUNACHAL
PRADESH AND MIZORAM : SHILLONG
-000000000000-

EO.No.DA.Cell/232

DATED 11-3-93

Consequent on his selection for the post Divisional
Accountant (on deputation basis) in the pay scale of Rs. 1400-1950-2300/-
8000/-1600-50-2300-50-2600/- in the combined cadre of Divisional

Accountants under the Administrative control of the office of
the Accountant General (AGE), Meghalaya, etc., Shillong, Shri
L. Appal Swami at present working

in the office of the E. Engr. Reing PWD A.P.

is posted on deputation as Divisional Accountant

in the office of the E. Engr. Kalaktang PWD.

2. Shri L. Appal Swami should
join the aforesaid post of Divisional Accountant on deputation
within 30 days from the date of issue of this order, failing
which his posting on deputation is liable to be cancelled
without any further communication and the post may be
offered to some other eligible and selected candidate. No
representation for a change of the place of posting will be
entertained under any circumstances whatsoever.

3. The period of deputation of Shri L. Appal Swami
will be for a duration
of 1(one) year only from the date of joining in the office of the E. Engr.
Kalaktang P.W. Division Kalaktang, A.P.

4. The pay and deputation(Duty) allowances in respect of
Shri L. Appal Swami
will be governed by the Government of India, Ministry of
Finance, Public Grievances and Pension (Department of Personnel
and Training) letter No.2/12/87-Estt(Pay.II) dtd. 29-4-1988

Contd.....2/.....

attested
Shri
AR

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and as amended and modified, from time to time. While on deputation, Shri L. Appal Swami may elect to draw either the pay in the scale of pay of the deputation post or his basic pay in the parent cadre plus personal pay, if any, plus deputation (duty) allowance. Shri L. Appal Swami, on deputation, should exercise option in this regard within a period of 1(one) month from the date of joining the assignment (i.e. the aforesaid post of deputation). The option once exercised by Shri L. Appal Swami shall be treated as final and cannot be altered/changed later under any circumstances whatsoever.

The Dearness Allowance, CCA, Children Education Allowance, T.A., L.T.C., Leave, Pension, etc. will be governed by the Govt of India, Ministry of Finance OM No.F1(6)E-IV(A)/62 d.7-12-1962 (incorporated as Annexure to Govt of India Pension No. in Appendix 31 of Choudhury's C.S.R. Volume (13th. Edition) and as amended and modified from time to time.)

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

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

Sd/-
Dy. Accountant General (Admin)
Offr. of the A.G. (A&E),
Meghalaya, Shillong
B. No. 14301

Senior Accounts Officer,
I.C.D.A. CELL.

Memo D.O. D.A. Cell/2-49/94-25/2548-55

DATED 11-3-99

Copy forwarded for information and necessary action to :-

1. The Accountant General (A&S), Manipur, Imphal.

2. The Accountant General (A&S), Tripura, Agartala.

3. The Chief Engineer, RWD, Itanagar, A.P.

He is requested to release Shri L. Appal Swami

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

D.2. The Executive Engineer, Roing P.W. Division Roing P.O. Roing, A.P.

He is requested to release immediately Shri

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

D.3. The Executive Engineer, Kalaktang P.W. Divn. Kalaktang, A.P.

He is requested to intimate the date of joining of Shri L. Appal SwamiD.4. Shri L. Appal Swami, UDC.

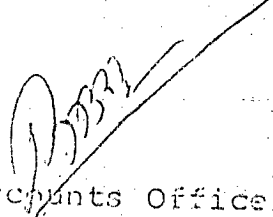
To the Executive Engineer Roing P.W. Divn. Roing A.P.

1. E.O. File.

2. S.C. File.

3. P.C. File. L. Appal Swami

4. File of the deputationist.


 Senior Accounts Officer,
 I/c D.A. CELL.

OFFICE OF THE ACCOUNTANT GENERAL (A&F) MEGHALAYA ETC SHILLONG

No.DA Cell/2-46/92-93/2000-01/Vol.II/1176

Date:

To:

1. The Executive Engineer, Khonsa P.H.E. Division, Khonsa, Arunachal Pradesh.
2. The Executive Engineer, Along Electrical Division, Along, Arunachal Pradesh.
3. The Executive Engineer, Along Electrical Division (Power) Along, Arunachal Pradesh.
4. The Executive Engineer, I&F.C. Division Roing, Arunachal Pradesh.

Subj: Repatriation of Divisional Accountant (on deputation).

Sir,

The following Divisional Accountant under the Administrative Control of Accountant General (A&F) Meghalaya etc., Shillong, are repatriated to their respective parent department on the date noted against each. They may be released accordingly.

Further, on being relieved from their duties on or before the mentioned date, they may be directed to report to their parent department immediately. Their date of release may be intimated to this office.

Sl. No.	Names	Division	Date of
1.	L. Appal Swamy, D.A. on deputation	O/o Executive Engineer, Khonsa P.H.E. Division.	28.2.2002
2.	L. Chhang, D.A. on deputation	O/o Executive Engineer, Along Electrical Division.	28.2.2002
3.	Love Ror, D.A. on deputation	O/o Executive Engineer, Along Electrical Division (Power)	28.2.2002
4.	Dehbohata Roy, D.A. on deputation	O/o Executive Engineer, I&F.C. Division Roing.	28.2.2002

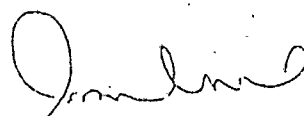
Authority :- Sr.DAG(Admin)'s order dated 17.01.02 at 17/20N in file No.DA Cell/2-46/92-93/2000-01/Vol.II.

Cell/2-

Memo.No.DA Cell/22-46/92-93/2000-01/Vol.II/1177-82

Copy forwarded to :-

1. The Chief Engineer, P.H.E. Division, Arunachal Pradesh, Itanagar.
2. The Chief Engineer, Power Division, Arunachal Pradesh, Itanagar.
3. The Chief Engineer, I.F.C. Division Arunachal Pradesh, Itanagar.
4. Person Concerned.
5. S.C. File.
6. E.O. File.



Sr. Accounts Officer, I/c DA Cell.

attested
8/2/02
adw

20
[13]

ANNEXURE-IV

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA
SHILLONG

DA Cell/2-46/02-93/2000-01/Vol.II/1176 Dated

To

1. The Executive Engineer, Khonsa PHE Division, Khonsa, Arunachal Pradesh.
2. The Executive Engineer, Along Electrical Division, Along, Arunachal Pradesh.
3. The Executive Engineer, Along Electrical Division (Power), Along, Arunachal Pradesh
4. The Executive Engineer, I & FC Division, Roing, Arunachal Pradesh.

Sub : Repatriation of Divisional Accountant (on deputation)

Sir,

The Following Divisional Accountant under the administrative control of Accountant General (A&E) Meghalaya etc. Shillong are repatriated to their respective parent department on the date noted against each. They may be released accordingly.

Further, on being relieved from their duties on or before the mentioned date they may be directed to report to their parent department immediately. Their date of release may be intimated to this office.

Contd..... p/-

Attended
B. W. and
A. W.

[14]

Sl.No.	Name	Division	Date of completion
1.	L.Appat Swamy, DA on deputation	O/o Executive Engineer, Khonsa PHE Division.	28.02.2002
2.	L.Chatang, DA on deputation	O/o Executive Engineer, Along Electrical Division.	28.02.2002
3.	Leve Roa, DA on deputation	O/o Executive Engineer, Along Elec trical Divn(Power)	28.02.2002
4.	Debbebrata Roy DA on deputation	O/o Executive Engineer I&FC Division, Roing.	28.02.2002

Authority : Sr. DAF(Admn)'s order dated
17.01.02 at P/20N in file No.DA Cell/2-46/92-
93/2000-01/Vol.II.

Sd/-

Sr.Dy.Accountant General(Admn)

Memo No. DA Cell/22-46/92-93/2000-01/Vol.II/1177-82

Dtd 13.02.2002

Copy forwarded to :

1. The Chief Engineer PHE Division, Arunachal
Pradesh, Itanagar.

Contd..... p/-



GOVERNMENT OF ARUNACHAL PRADESH

Director of Accounts & Treasuries
Naharlagun-791 110

No. DA/TRY/15/99

Dated, the 12th Jan 2000

To,

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

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

Sir,

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

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

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

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

Yours faithfully,

(Y. Megu)

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

attested
20/1/2000

CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH.

O.A.No. 141/2000

T.MurtenApplicant

-Vs-

U.G.I.& ors.

Mr.G.Sarma, Mr.G.Sarma and Mrs.M.Deka for the applicant

Mr.A.Deb Roy, Sr.CGSC for the Respondents.

- Present -

The Hon'ble Justice D.N.Choudhury, V.C.

The Hon'ble Shri K.K.Sharma, Member(A)

20.8.2001

The present applicant is also a person similarly situated with those whose cases were decided by this Bench in O.A.Nos.200 (T) to 208 (T) of 2001, disposed of on 22.6.2001.

Upon hearing Mr G. Sarma, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C., we order that this applicant shall also get similar benefit as was granted to the applicants of the aforementioned O.A.s. In the light of the observations made in paragraphs 4 and 5 of the order dated 22.6.2001 in the aforementioned O.A.s, this application stands disposed. Needless to state that it would be open for the applicant to move the Bench hereinafter, if such occasion arises.

No order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)



TRUE COPY

प्रतिरूप

N.S.
21/8/2001
Section Officer (A)
Central Administrative Tribunal
Gauhati Bench, Guwahati

*Attended
6/7/21
S.M.*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application Nos. From 200(T) to 203(T) of 2001.

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

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

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

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

R. Prathapan . . . Applicant.

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

- Vs -

State of Arunachal Pradesh & Ors. . . Respondents.

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

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

Shri Habung Lalin . . . Applicant.

By Advocate Mr. Tagia Michi ,

- Vs -

Union of India & Ors. . . Respondents.

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

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

Sri Keshab Chandra Das . . . Applicant.

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

- Vs -

State of Arunachal Pradesh & Ors. . . Respondents.

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

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

Sri Gamboh Hagay . . . Applicant.

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

- Vs -

The State of Arunachal Pradesh & Ors. Respondents.

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

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

Shri Rathindra Kumar Deb . . . Applicant.

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

- Vs -

The State of Arunachal Pradesh & Ors. Respondents.

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

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

Shri Utpal Mahanta

. . .

Applicant.

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

- Vs -

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

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

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

Hage Mubi Tada

. . .

Applicant.

By Advocate Mr.A.Roy, Mr.M.Chanda & Mr.S.Dutta

- Vs -

Union of India & Ors.

. . .

Respondents.

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

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

Malay Bhushan Dey

. . .

Applicant.

By Advocate Mr.B.C.Das & Mr.S.Dutta

- Vs -

Union of India & Ors.

. . .

Respondents.

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

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

Shri Hage Tamin

. . .

Applicant.

By Advocate Mr.A.Roy, Mr.M.Chanda & Mr.S.Dutta.

- Vs -

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

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

O R D E R

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

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

2.

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

contd.. 3

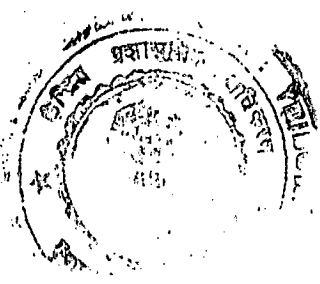
f - t

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

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

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

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



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

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R - P

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

"To,

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

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

Sir,

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

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

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

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

Yours faithfully,

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

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

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

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



Sd/ VICE CHAIRMAN
Sd/ MEMBER (Adm)

Certified to be true Copy
प्रमाणित प्रतिलिपि

BB

W. S. ...
21/8/2001

Section Officer (Adm)
National Administrative Tribunal
Guwahati Bench, Guwahati
Assam