

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 86/2002.....

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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. Aphat SDamni

Respondent(s) Union of Jordan & Ors.

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

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

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
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This is application in form
C. F. for Rs. 50/- deposited
vide I.P.C/CD No. O.T.F. 84227
Dated ... 11/03/2002

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.

K.L.Sharma

Member


Vice-Chairman.

Not taken

15.3.02
13/3/02

bb

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.

K.L.Sharma

Member


Vice-Chairman

mb

19.3.02

List on 4.4.2002 for admission as pro-
posed by learned counsel for the applicant.

mb


Vice-Chairman

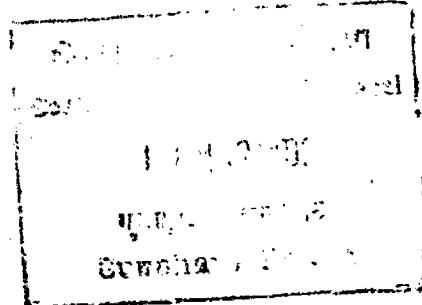
4.4.02

9/4/2002
Copy of the order
has been sent to the
Office for issuing
the same to the L/Adv.
for the party.

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.

ICL Usha
Member

lm



Filed by

Defendant/Party
(L. Appat Swami)
Applicant

Through
Advocate

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 Annexure-I -

1. Date of filing : Annexure-I - Annexure-II - Annexure-III - Annexure-IV - Impugned order - 13.02.2002 - 21 - 22 - 23 - 27 - 27 - 28
2. Date of registration :
3. Registration No. :

REGISTRAR.

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 Secretary,
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 Comptroller & 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.

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-

[43]

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.Coor-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 dated 23.02.98.

(Signature)
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 differnt places as Divisional Accountant and is at present posted as such, in the office of the Executive Engineer, Khonsa,

Contd..... p/-

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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.DQ.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

10
J. Appel (Swami)

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

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.

12
N. J. App. S. No. 12
L. App. S. No. 12

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

Appellate Committee
[10]

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 Cet1/22-46/92-93/2000-01/ 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 Cet1/22-46/92-93/2000-01/ Vol.II/ 1177-82 dated 13.02.2002 (Annexure-IV) be stayed.

10. Application is filed through Advocate :

Approved
by
D. J. D. J.
for
Guwahati
Branch
of
B. C. O. Bank

11. Particulars of IPO :

- | | |
|--------------------|---|
| (i) Draft. No. | - 842127 |
| (ii) Date of issue | - 11.3.02 |
| (iii) issued from | - B. C. O. Bank, Rajgarh
Guwahati Branch |
| (iv) Payable at | - Guwahati. |

12. List of Annexures : As stated in Index.

Verification

VERIFICATION

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, 6.2 to 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)
APPLICANT

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), ASSAM, DIUVALAYA
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.K. Manhat	AP/1
2.	Shri C.T. Loungchot	AP/2
3.	Shri Tari Muga	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 Taria	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 Kotpil 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 Wingkhem Lohan	AP/22
21.	Shri Abang Borang	AP/23
22.	Shri Chow Ming Loungkang	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.

*Attested
(B.M. Sarker)*

: 2 :

Memo No. DA/Ett/27/89

Dated: Naharlagun, 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 Lini.
3. The Chief Engineer, PWD, Zone-I & II, Itanagar.
4. The Chief Engineer, RRD, Itanagar.
5. The Director of Industries, Itanagar.
6. The General Manager, State Transport Department,
Naharlagun.
7. The Director of M& Vety, I.P., Naharlagun.
8. The Director of Rural Development, I.P., Itanagar.
9. The Dy. Director of Supply & Transport, Kohanbari.
10. The Director of Agriculture, I.P., Naharlagun.
11. The Executive Engineer, Planning Division, Rupa
Circle, PWD, Rupa.
12. The Executive Engineer, Changlang Division, PWD, I.P.
13. The Superintending Engineer, Jairampur Circle,
PWD, Jairampur - 792 121.
14. The Executive Engineer, Lengding, PWD, Lengding-796 631
15. All the trainees (by name under List)

(H.K. Soni)
Accounts Officer,
Directorate of Accounts,
Naharlagun.

Shri H.K. Soni
Executive Engineer
Changlang Division
PWD, I.P.
Naharlagun.

GOVERNMENT OF ARUNACHAL PRADESH
PUBLIC WORKS DEPARTMENTGRAM :: CHIEFWORKS
PHONE :: 212427Office of the Chief Engineer,
Eastern Zone, PWD, AP, Itanagar

NO. CEAP(EZ)/E-II/6/97/ 9223-25

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/249,
dated, 20.1.98.

Sir,

With reference to your above quoted circular an application alongwith its enclosures received from Sri L. Appal Swami, UDC of Roing PW Division, AP. in prescribed Proforma duty filled in for the post of Divisional Accountant is forwarded herewith the recommendation 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 record of this office is concerned.

Enclo:- One application one copy of certificate & one copy of Notification No. Co-one/5-3/189-90/3885 dated 20.2.90

Yours faithfully,

(M. Bagchi)
Engineer Officer,
to Chief Engineer (EZ)

NO. CEAP(EZ)/E-II/6/97/ 9223-25

Dated. 23/2/98.

Copy to:-

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.

Attended
M. Bagchi

(M. Bagchi)
Engineer Officer

OFFICE OF THE ACCOUNTANT GENERAL (A&E), MEGHALAYA, ARUNACHAL
PRADESH AND MIZORAM : SHILLONG
-00000000000-

EO. No. DA. Cell/232

DATED 11-3-83

Consequent on his selection for the post of Divisional Accountant (on deputation basis) in the pay scale of Rs. 1400-195700-1500/- (1600-50=2300=60=2600/-) in the combined cadre of Divisional Accountants under the Administrative control of the office of the Accountant General (A&E), Meghalaya, etc., Shri L. Appal Swami at present working in the office of the E. Engs. Poring P.W.D. A.P. is posted on deputation as Divisional Accountant in the office of the E. Engs. Kalaktang P.W.D.

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 Kalaktang P.W.D. 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
by
S.P.

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 dated 7-12-1962 (incorporated as Annexure to Govt of India's Order No. 1 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/-

By: Accountant General (Admin)

"Officer of the A.G. (A&E),

Meghalaya, Arunachal & A.P.

18-04-1980

Senior Accountant Officer,
E.C.D.A. C.G.L.

memo no. DA.Cell/2-49/94-95/2548-55 DATED 11-3-99

Copy forwarded for information and necessary action to :-

1. The Accountant General (A.G.), Ranchi, Jharkhand.

2. The Accountant General (A.G.), Tripura, Agartala.

1. The Chief Engineer, R.W.D. 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 Pw 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. Div.
Kalaktang, A.P. He is requested to intimate the date of joining of Shri L. Appal Swami

(4) Shri L. Appal Swami, UDC,
to the Executive Engineer Roing P.W. Div.
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&E) MEGHALAYA & CH. SHILLONG

No.DA Cell/2-46/92-93/2000-01/Vol.III/176

Dated:-

To:-

1. The Executive Engineer, Kibonsa 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) Mong, Arunachal Pradesh.
4. The Executive Engineer, I&F.C. 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.

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

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

13/2/02
Sr.Dy. Accountant General (Admn)

Memo. No.DA Cell/22-46/92-93/2000-01/Vol.III/177-82

Copy furnished 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.

Om Prakash
Sr. Accounts Officer, Hc DA, Cell.

Attested
Om Prakash
DA, Cell

[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/-

Attested
B. P. M.

[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 Eng ineer, Along Electrical 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

Gram : ARUNACCOUNTS
Phone : 244281 (O)
222637 (R)

No...PA/TRY/15/99

Director of Accounts & Treasuries
Naharlagun-791 110

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.

A.P. Sarker

CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH.

O.A.No. 141/2000

T. MurtemApplicant

-Vs-

U. G. I. & ors.

Mr. G. Sarma, Mr. G. Sarma and Mr. M. Deka for the applicants

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)



TRUE COPY

affidavit

N.S. 21/8/2001

Section Officer (S)

O.A. No. 141/2000

As Administered by the

D.R. Section Officer

Central Bench, Gauhati

Tribunal, Assam

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 ^{on the issue} hereinafter, if such occasion arises.

No order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Attested
By
S. S. S.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

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

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

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

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

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

R. Prathapan Applicant.

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

- Vs -

State of Arunachal Pradesh & Ors . . . Respondents.

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

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

Shri Habung Lalin Applicant.

By Advocate Mr. Tagia Michi ,

- Vs -

Union of India & Ors. Respondents.

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

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

Sri Keshab Chandra Das Applicant.

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

- Vs -

State of Arunachal Pradesh & Ors . . . Respondents.

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

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

Sri Gamboh Hagey Applicant.

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

- Vs -

The State of Arunachal Pradesh & Ors. Respondents.

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

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

Shri Rathindra Kumar Deb Applicant.

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

- Vs -

The State of Arunachal Pradesh & Ors. Respondents.

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

Attended
R. S. B.

D.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.

D.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.

D.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.

D.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.

ORDER

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 D.A.s the questions of law and facts
are involved in
are similar and they can be disposed of by a common

contd.. 3

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

3. The applicants of the present O.A.s are serving in different capacities under the State of Arunachal Pradesh. The applicants are serving on the basis of deputation. They are mainly involved with Divisional Accountant in the organisation, ^{"under"} and administrative control of Accountant General (A&E), Arunachal Pradesh and Meghalaya. After expiry of the period of deputation, orders 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 esteemed 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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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.

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.

- 5 -

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 ^{purposedly} ~~suspended~~ by order dated 15-11-1999, filed ^{of} in Annexure-7.

The applications are accordingly, disposed of. It is made clear that if change in the present situation arises, it ^{shall} be 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
স্বাধীন প্রতিক্রিয়া

BB

N Seng 6/11/2001

Section Officer (S)
Assam Legislative Assembly
State Administrative Tribunal
Assam Legislative Assembly
Guwahati Bench, Guwahati
Assam Legislative Assembly