

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 165/02.....
R.A/C.P No......
E.P/M.A No......

1. Orders Sheet OA-165/02.....Pg. 1.....to.....
2. Judgment/Order dtd 24/5/02.....Pg. No separate order..... Dismissed
3. Judgment & Order dtd 31/07/06...Received from H.C/Supreme Court
NPCO Pg-1 to 2
4. O.A.....165/02.....Pg.....1.....to.....35.....
5. E.P/M.P.....NIL.....Pg.....to.....
6. R.A/C.P.....NIL.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

Office Note - Pg - 1

SECTION OFFICER (Judl.)

FORM NO. 4
 (See Rule 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
 GUWAHATI.

ORDER SHEET

Original No. 165 / 2002
 Misc. Petition No. _____
 Contempt Petition No. _____
 Review Application No. _____


Applicant(s) Bimal ~~Prasad~~ Biswas.

Respondent(s) U.O.I. & Ors.

Advocate for Applicant(s) Mr. Chanda, Mco. N.D. Goswami
G.N. Chakrabarty

Advocate for Respondent(s) Mrs. A. Deb Roy, Sec. G.G.S.C.

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
✓ T& 67746AT U.S. 2002 ✓ N.S. 24/5/02	24.5.02	<p>Heard Mr. M.Chanda, learned counsel for the applicant and also Mr. A.Deb Roy, learned Sr. C.G.S.C. for the Respondents.</p> <p>This application is squarely covered by the Judgment and order passed by this Tribunal in O.A. Nos. 230, 234 and 276 of 2001 dated 11.1.2002. In the light of the said Judgment this application is dismissed. The dismissal of the application shall not, however, preclude the respondents, viz. the Govt. of Arunachal Pradesh in absorbing the applicant as per policy decision, if any, even after the persons are repatriated.</p> <p>The application thus stands dismissed. There shall, however, be no order as to costs.</p>
Excess money Rs 5/- not deposited and also steps not yet taken 24/5/02		


 Vice-Chairman

PUC →

Memo. No. HC. XXI. 2533-39 / R.M. Dtd.
20.1.07 received from the Assn. Registrar
(Judg), Gauhati High Court, Gauhati.

The order dated 31.7.06 passed in
WP(C) No. 5630/02 may kindly be seen
at the P.U.C.

The applicant Shri B. Biswas has
filed the abovementioned WP(C) in the
before the Hon'ble Gauhati High Court
against the order dtd 24.5.02 passed
in OA 165/02. But the Hon'ble High
Court dismissed the same on 31.7.06.

Submitted for favour of kind
of perusal.

8/1/07

W. Singh
8/2/07
Sd/-

[Signature]

[Signature]
8/2/07

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

WP(C) NO.5630/02

BEFORE

HON'BLE THE CHIEF JUSTICE MR BS REDDY
HON'BLE MR JUSTICE T NANDAKUMAR SINGH

31-07-06

(BS Reddy, CJ)

Mr SK Ghose, learned counsel for the petitioner seeks leave of this court to withdraw this writ petition and rightly so in our considered opinion. The leave is accordingly granted.

The writ petition shall stand dismissed without any order as to costs. However, liberty is granted to the petitioner to avail such remedies as may be required and in case any such occasion arises in that event this order shall not come in their way and the matter may have to be disposed of on its own merit uninfluenced by dismissal of this writ petition.

Sd/- T.N.K. Singh.
JUDGE.

Sd/- B.S. Reddy.
CHIEF JUSTICE.

Contd...

By Spl. Messenger⁶

✓
✓
Memo No. HC.XXI.

2533-39

/R.M. Dtd.

20/11/07

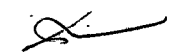
Copy forwarded for information and necessary action to:-

1. The Union of India, through the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi- 110003.
2. The Accountant General (A&E), Arunachal Pradesh, Meghalaya, Assam etc. Shillong- 793001.
3. The State of Arunachal Pradesh, represented by the Secretary to the Government of Arunachal Pradesh, Public Works Department Itanagar.
4. The Director of Accounts & Treasuries, Government of Arunachal Pradesh, Naharlagun.
5. The Executive Engineer, Rural Works Department, Tezu, District Lohit, Arunachal Pradesh.
6. The Commissioner (Finance), Government of Arunachal Pradesh, Itanagar.
7. The Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rargarh Road, Bhangagarh, Guwahati- 781005. He is requested to acknowledge the receipt of the following records. This has a reference to his letter No. CAT/GHY/68/Judl/423 Date 07.06.2005.

Enclo:-

1. O.A. 165/2002 Part 'A' with Original orders.

By order


Asstt. Registrar (Judl.)
Gauhati High Court, Guwahati.


17/11/07

23 MAY 2002

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. 165 /2002
Sri Bimal Biswas : Applicant
- Versus -
Union of India & Others : Respondents

Filed by the applicant
through Sri B. A.
Chakraborty Advocate
L. on 23/5/02

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	-	Application	1-16
02.	-	Verification	17
03.	1	Appointment letter dated 5.7.1999	18-20/19
04.	2	Impugned order dated 24.2 2002	21 20
05.	3	Judgment & Order dated 22.6.2001	22-26 21-25
06.	4	Letter dated 15.11.99	27-28 26-27
07.	5	Letter dated 12.1.2000	29-30 28-29
08.	6	Letter dated 11.3.2002	31 30-31
09.	7	Photocopy of the news published in Arunachal Times on 2.12.2001	32 32.

Date : 20.05.2002
23.

Filed by

[Signature]
Advocate

Bimal Biswas

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

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

O.A. No...../2002

BETWEEN

Sri Bimal Biswas

Son of Late N. C. Biswas

Working as Divisional Accountant in the

Office of the Executive Engineer,

Rural Works Department, Tezu,

Government of Arunachal Pradesh,

District - Lohit, Arunachal Pradesh.

■Applicant

-versus-

1. The Union of India,
Through the Comptroller & Auditor
General of India, 10 Bahadur Shah Zafar Marg,
New Delhi-110003.
2. The Accountant General (A&E),
Arunachal Pradesh, Meghalaya,
Assam etc., Shillong-793001.
3. The State of Arunachal Pradesh,
Through the Secretary to the
Government of Arunachal Pradesh,
Rural Works Department, Itanagar.

Bimal Biswas

4. The Director of Accounts & Treasuries,
Government of Arunachal Pradesh, Naharlagun.
5. The Executive Engineer,
Rural Works Department, Tezu,
District - Lohit, Arunachal Pradesh.
6. The Commissioner (Finance),
Government of Arunachal Pradesh,
Itanagar.

.....Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:-

Order No. DA Cell/2-46/92-93/2000-01/Vol.II/1373 dated 21.03.2002 issued by the respondent no.2 repatriating the applicant to his parent department and also the illegal and arbitrary action of the Respondent No.5 seeking to repatriate/release the applicant to his parent department without considering his case for permanent absorption in the cadre of Divisional Accountant now taken over by the Government of Arunachal Pradesh from Accountant General (A&E) Arunachal, Meghalaya, etc. Shillong and in total violation of instructions contained in the letter bearing No. DA/TRY/15/99 dated 12.1.2000 as well as the letter under Memo No. DA/TRY/15/99 dated 11.3.2002 issued by the Government of Arunachal Pradesh;

2. Jurisdiction.

That the applicant states that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

Dimal Biswa

That the present applicant further declares that this application is filed within the prescribed period of limitation as per 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 and privileges as guaranteed under the Constitution of India and other legal rights accrued there under.

4.2. That the Applicant is working as Divisional Accountant in the organization and under the administrative control of Director of Accounts & Treasuries, Government of Arunachal Pradesh and seeking his permanent absorption. Though he has worked for nearly three years as Divisional Accountant in the office of the respondent no. 5, he is not being permanently absorbed in the aforesaid capacity. Now, effort is on to repatriate him to his parent department under the Chief Engineer, Irrigation & Flood Control Department, Itanagar, Government of Arunachal Pradesh.

4.3 That what makes the likely repatriation of the Applicant disturbing is the fact that though he is being repatriated to his parent department, his place is likely to be taken by another deputationist only. Hence, it is the case where one deputationist is being replaced by another deputationist. Instead of permanently absorbing the Applicant to the post presently being held by him, wherein he has worked for nearly three years, the Respondents are now only bringing a person on deputation to work in his place. It is also noteworthy that the Applicant is competent to be permanently absorbed in the deputation post of Divisional Accountant. Moreover, though he has worked on deputation but his appointment was

Bimal Biswas

pursuant to a selection against the permanent post in a substantive capacity.

4.4 That the applicant states that the State of Arunachal Pradesh (for short, the State) do not have any accounts cadre of its own to man the accounts set up under its various departments and as such it puts requisition to the respondent no. 2 for selecting and appointing the staff of Accounts Cadre, namely DA/DAO etc. from amongst the existing staff serving under various departments of the State. It is pertinent to mention here that the respondent no. 2 selects candidates on behalf of the State and on their selection the said candidates are posted against the various posts of accounts cadre under the State. The salary and allowances of those candidates are also paid from the State Exchequer but such appointments of the candidates are made on deputation basis. It would be relevant from the aforesaid facts that though the candidates are from the State and on their selection against the ~~post~~^{Post} of Accounts cadre are posted again to the State, they are under the administrative control of respondent no. 2 since, their selection against the posts are on deputation basis. Therefore, the candidates like the applicant are basically employees of the State and are serving against the posts under the State cadre being under the administrative control of the respondent no. 2.

4.5 That the Applicant was initially appointed as a Lower Division Clerk (for short LDC) and was posted in the Rural Works Department, Arunachal Pradesh. Ever since his entry to service, he has been discharging duties to the satisfaction of all concerned and subsequently he was promoted to the post of Upper Division Clerk in the year 1981.

Bimal Bano

- 4.6 That during the year 1989, the applicant was initially selected for the first time as a Divisional Accountant under respondent no.2 and as such, he continued in his said capacity till 1995 in the Flood Management Division under the Chief Engineer, Irrigation & Flood Control Department, Itanagar, Government of Arunachal Pradesh.
- 4.7 That the respondent no.2 vide Circular bearing No. DA CELL/2 49/97-98/Vol.II/245 dated 20.1.1998-invited applications from the candidates who were willing to serve as Divisional Accountants in Rural Works Department for a period of one year on deputation basis. The applicant, who was then serving in the office of the Executive Engineer, I&FC Department, Roing Division, had applied for the said post and thereafter was selected for the second term to the said post on deputation basis. Consequent to his selection to the post of Divisional Accountant, he was appointed as Divisional Accountant on 5.7.1999 in the office of the Executive Engineer, R.W.D., Tezu, Arunachal Pradesh and since then he has been working in the office of the respondent no.5. Thus, although he is working under the administrative control of AG (A&E), Meghalaya, but practically, he has been working in the office of the respondent no. 5 under the State of Arunachal Pradesh.

Copy of the appointment letter dated 5.7.1999 is annexed as **Annexure-1**.

- 4.8 That though the aforesaid appointment of the Applicant was on deputation for a period of one year, the same was subsequently extended from time to time and he is still continuing in the said post. It is stated that pursuant to his long continuation in the borrowing department, it has

Binnu Binnu

been his legitimate expectation that he would be absorbed in the establishment of AG (A&E) for Arunachal Pradesh in due course. However, before consideration of such absorption, he has been repatriated to his parent department. It will be pertinent to mention here that the Applicant who was an UDC in his parent department, came on deputation to a promotional post carrying higher scale of pay (Rs. 5000-8000/- with effect from 5.7.1999) to the office of the AG (A&E), Shillong. Such expectation was also in view of the fact that the performance of the Applicant as a Divisional Accountant has been well recognized by the authorities.

4.9 That as already stated above, he is being repatriated to his parent department without considering his case for permanent absorption by issuance of the order of repatriation dated 21.03.2002 and the same is to take effect from 31.07.2002 and therefore, he has not been released from duty as yet. The applicant has also gathered the information that another deputationist is replacing him and it is not a case of his replacement by any regular incumbent of the office of the A.G. (A&E), Meghalaya. On the other hand, the bifurcation towards creation of a new cadre of AG(A&E) for Arunachal Pradesh is on the offing and the necessary infrastructure facilities including the office building etc. are also being arranged. Thus if in the meantime, the Applicant is repatriated to his parent department without considering his representation for regular absorption, the same will seriously tell upon his service career. It may be further stated herein that recently the State has taken the decision to take over the administrative control of the accounts cadre from the respondent no.2 and to absorb/regularise the services of the existing incumbents and necessary arrangements.

Dinmal Boro

in this regard including a decision by the State Cabinet has also been taken but the entire process will require some more time for completion. However, in such an event, the applicant will be absorbed/regularised in his existing capacity.

A copy of the above order dated 21.03.2002 is annexed herewith as **Annexure - 2**.

4.10 That it will be pertinent to mention here that on an earlier occasion, other similarly situated colleagues of the Applicant - being aggrieved by similar orders of repatriation - assailed the same before this Hon'ble Tribunal and this Hon'ble Tribunal was pleased to protect their interest by issuing appropriate interim order. Now, those applicants are continuing in the post of Divisional accountant under the Administrative Control of A.G. (A&E), Meghalaya at Arunachal Pradesh. However, those applications were finally disposed by the this Hon'ble Tribunal on 22.6.2001 holding that the period of deputation of the applicants in those applications stood extended by virtue of issuance of the order dated 15.11.1999, issued by the respondent no. 4. The Tribunal accepted the contention of the applicants in those cases and disposed of those matters granting the benefit of extension in terms of the order dated 15.11.1999 issued by the Government of Arunachal Pradesh. The Applicant in the present case is similarly situated like those Applicants in those Original Applications.

Copy of one of the abovementioned order of this Tribunal on 22.6.2001 is annexed herewith as **Annexure - 3**.

4.11 That the Applicant is aggrieved because instead of considering his permanent absorption as Divisional Accountant in the office of the respondent State consequent to the decision by

Prinud Biswas

the State to take over the Accounts Cadre from the Administrative control of the respondent no.2, he is being repatriated and replaced by another deputationist. The Applicant has worked as Divisional Accountant for nearly three years. His appointment as Divisional Accountant was against a permanent post and there is no reason as to why he cannot be considered for absorption in the said capacity more particularly, when he has already exercised his option for absorption and the State has already initiated an action to take over the administrative control of his post. In this connection, it is noteworthy that his appointment as Divisional Accountant was made after carrying out selection in accordance with law. Since the Applicant duly qualified and was selected for such appointment, he was accordingly sent on deputation as Divisional Accountant.

4.12 That it is stated that the Govt. of Arunachal Pradesh, vide their letter bearing No. DA/Try/15/99/9629 dated 15.11.99 requested, the Accountant General (A&E), Arunachal Pradesh, Meghalaya, etc. to extend period of deputation for a further period of two years, from the date of expiry of the tenure of the incumbents in the interest of Rural service and it is further stated in the said letter dated 15.11.99 that this arrangement was proposed, till view of the State Government in final shape could be put forward. Consequent to that the tenure of the incumbents including the present applicant was extended and therefore he is still continuing in the said capacity of Divisional Accountant.

4.13 That as a matter of fact, on 12.1.2000 and 11.3.2002 the respondent nos. 4 and 6 respectively issued letters requesting the respondent no. 2 to the effect that the existing divisional accounts may be allowed to continue as

Bimal Bisim

emergency divisional accountants for the time being as a working arrangement in as much as the State Cabinet of Arunachal Pradesh has taken a decision for taking over the administrative control of the cadres of Sr. DAO/DAO/DA of Works Divisions belonging to P.W.D./ PHED/IFCD/RWD and Power Department of Arunachal Pradesh. Therefore, in the light of the above decision and also in view of the subsequent decision of the Govt. of Arunachal Pradesh to take over the cadre of Divisional Accountant as communicated vide letter dated 12.1.2000, the present applicant is at least entitled to an interim order for continuing in the present place of posting till the administrative control is taken over by the State and his case for permanent absorption as Divisional Accountant under the Govt. of Arunachal Pradesh is considered. It is further submitted that the process of taking over the cadre of Divisional Accounts Officer/Divisional Accountant are in progress. The Hon'ble Tribunal may, therefore, be pleased to issue a direction upon the Respondents to consider the case of the Applicant for permanent absorption in the post of Divisional Accountant under the control of Director of Accounts & Treasuries, Government of Arunachal Pradesh.

4.14 That as stated above, the Director of Accounts & Treasuries, Govt. of Arunachal Pradesh have decided to take over the aforesaid cadre of Divisional Accountant under their direct control with immediate effect and further decided that persons those who are borne on regular basis in the ^{cadre} ~~care~~ of Divisional Accounts Officer/Divisional Accountants in the State of Arunachal Pradesh and opted to come over to Arunachal Pradesh State Cadre, will be taken over on status quo subject to acceptance of the State Govt. and it has also

Bimal Bera

been decided that hence forth no fresh Divisional accountant on deputation will be entertained. Cases of those who are presently on deputation and serving in the State shall be examined at that end for their future continuation even after completion of existing term of deputation. The Director of Accounts and Treasuries had further requested to take necessary action so that the process of the transfer of due cadre along with the willing personnel could be completed immediately.

4.15 That the aforesaid decision of the Director of Accounts and Treasuries (A&E), Govt. of Arunachal Pradesh would be evident from the letter bearing No. DA/Tres/15/99 dated 12.1.2000 as well as the letter issued under Memo No. DA/TRY/15/99 dated 11.3.2002 addressed to the Accountant General (A&E) Arunachal Pradesh, Meghalaya, Shillong. It is therefore quite clear that under the changed circumstances, the applicant who is an employee of the Govt. of Arunachal Pradesh, Meghalaya, is now required to be considered for absorption by the Govt. of Arunachal Pradesh instead of Accountant General, (A&E), Arunachal Pradesh, Meghalaya, Shillong.

Copy of the letters dated 15.11.99; 12.1.2000 and 11.3.2002 are annexed as **Annexure-4, 5 and 6 respectively.**

4.16 That the applicant states that he has further come to know that the State Cabinet of the Government of Arunachal Pradesh has formally approved the above decision in the month of December, 2001 to take over the control of the entire Accounts set up from the Accountant General (A&E), Meghalaya etc. In view of the above decision of the State Cabinet, the Accountant General (A&E), Meghalaya etc. is required to hand

Bimal Biswas

over the entire Accounts set up to the Director of Accounts and Treasuries, Government of Arunachal Pradesh. But this process may require some more time for completion. It is stated that the said news was also published in the **Arunachal Times** dated 2.12.2001. Therefore, if the applicant is repatriated to his parent department before completion of the above exercise, it would cause irreparable loss and injury in his service career. The Hon'ble Tribunal may, therefore, be pleased to protect the interests of the applicant by an appropriate order.

A photocopy of the said news published in the **Arunachal Times** dated 2.12.2001 is annexed herewith and marked as **Annexure-7**.

4.17 That the applicant submits that he has come to know from a reliable source that the instant order of repatriation has been issued on extraneous consideration. From the attending facts and circumstances of the case narrated above, it is quite clear that now; consequent to the above decision of the Govt. of Arunachal Pradesh, the respondent no. 2 has no control over the matter and in this circumstance the impugned order is arbitrary, mala fide and without jurisdiction. The impugned order dated 21.03.2002 is, therefore, liable to be set aside.

4.18 That in this application, the Applicant has made out a prima facie case of arbitrariness on the part of the Respondents. Applicant has a strong case for being permanently absorbed as Divisional Accountant either in his present capacity as Divisional Accountant in the office of the Executive Engineer, Rural Works Department, Tezu, Arunachal Pradesh or as Divisional Accountant in any of the offices under the

Bimal Bhasin

Government of Arunachal Pradesh. An interim direction by this Hon'ble Tribunal that pending disposal of this application the Applicant may not be disturbed from his present post of Divisional Accountant in the office of the Executive Engineer, Rural Works Department, Tezu, Arunachal Pradesh, would not adversely affect the interest of the Respondents and they would not be prejudiced in any way, whereas on the other hand, if such an interim direction is not given in favour of the Applicant, the writ application itself would be rendered infructuous. Hence the balance of convenience is in favour of the Applicant towards passing such an interim order.

4.19 That the Applicant has no other appropriate alternative remedy than the one sought for herein and the relief(s) if granted by this Hon'ble Tribunal would be just, adequate, proper and effective.

4.20 That the Applicant demanded justice but the same was denied to him. Hence, this Application is filed bona fide and for securing the ends of justice.

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

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action of the respondent authority in denying consideration of the case of the applicant as per the request made by the Govt. of Arunachal Pradesh to extend the period of deputation for a further period till the process of taking over the administrative control of the cadre of the Divisional Accountant by the State of Arunachal Pradesh is completed in pursuance of O.M. dated 15.11.99, 12.1.2000 and 11.3.2002 respectively is illegal, arbitrary and highly discriminatory.

Bjime Brien

- 5.2 For that the applicant, if repatriated to his parent department at this juncture, will have to join as Upper Division clerk only and in such a contingency he would draw a lesser pay scale than that of a Divisional Accountant which will amount to reduction in rank and is not permissible under the law in as much as the same will amount to infringement of the provisions contained in Article 14, 16 and 21 of the Constitution of India and as such the impugned order of repatriation is bad in law and liable to be set aside and quashed.
- 5.3 For that the applicant is sought to be replaced by another deputationist in the rank of Divisional accountant without considering his case for permanent absorption and as such the action of the authorities is bad in law and liable to be set aside.
- 5.4 For that the impugned order dated 21.03.2002 issued by the Respondent No.2 directing repatriation of the applicant to his parent department with effect from 31.07.2002 will create serious Civil consequences and as such the action of the authorities is bad in law and liable to be set aside.
- 5.5 For that the applicant will have to join as Upper Division Clerk on repatriation to his parent department whose pay scale is much lower than that of the Divisional Accountant and as such it will create serious anomalies in the pay scale to be given to the applicant on repatriation and that was why the State Govt. of Arunachal Pradesh took up the matter with the Respondent No.2 requesting him to allow the serving deputationists for further period till necessary arrangements are made by the State Govt. to take over the administrative control of the cadre of the Divisional Accountant serving in the State of Arunachal Pradesh. The respondent No.2 while issuing the impugned order, never took into consideration these factors and the impugned order was passed arbitrarily, without application of mind and on irrelevant

Bijendra Biswas

consideration and as such the order is liable to be set aside and quashed.

- 5.6 For that in view of the decision now taken by the Govt. of Arunachal Pradesh to take over the cadre of the Divisional Accounts Officer/Divisional Accountants, the applicant is entitled to continue in the post of Divisional accountant till the process is completed and as such the impugned order is bad in law and is liable to be set aside.
- 5.7 For that in any view of the matter the impugned order is bad in law and is liable to set aside.
- 5.8 For that the similar matter has already been decided by this Hon'ble Tribunal in a series of case vide order dated 22.6.2001, as such the applicant is entitled to similar benefit.

6. Details of remedies exhausted :

That the applicant states that he has no other alternative or other efficacious remedy available before him than to file this application.

7. Matters not previously filed before or pending with any other Court/Tribunal.

The applicant further declares that he had filed a writ petition before the Hon'ble High Court regarding the matter in respect of which this application has been made, but the same was withdrawn with liberty to approach before the appropriate forum. The applicant further declares that no application like the present one is pending before any other Tribunal or any other authority or any other Bench of the Tribunal nor any such application, writ application, or suit is pending before any of them.

Bijal Bijal

8. Reliefs sought for :

8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order of repatriation issued under letter No. DA CELL/2-46/92-93/2000-01/Vol.II/1373 dated 21.03.2002 (Annexure- 2).

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to consider absorption of the applicant to the post of Divisional Accountant in the office of the Executive Engineer, Rural Works Department, Tezu, or under any of the offices of the Govt. of Arunachal Pradesh in terms of the decision taken by the Government of Arunachal Pradesh as communicated through the letters dated 15.11.1999, 12.1.2000 and 11.3.2002.

8.3 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

8.4 Cost of the case.

9. Interim Prayer:

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

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned order of repatriation issued under letter No. DA CELL/2-46/92-93/2000-01/Vol.II/1373 dated 21.03.2002 (Annexure- 2) till disposal of this Original Application.

9.2 That the respondents be directed to allow the applicant to continue to work on deputation basis to the post of Divisional Accountant till disposal of this application.

Bimal Bisoi

The above interim relief are prayed on the grounds explained in paragraph 5 of the Original Application and if the same is not granted the applicant will suffer irreparable loss and injury.

10.
This application is filed through Advocate.

11. Details of Postal Order: -

- i. Postal Order No. : 76574667 dated 16-5-2012
- ii. Issued from and payable at: G.P.O., Guwahati

12. List of enclosures:

As per Index.

Primo Bism

VERIFICATION

I, Sri Bimal Biswas, Son of Late N. C. Biswas, aged about 46 years, working as Divisional Accountant in the office of the Executive Engineer, Rural Works Department, Tezu, Government of Arunachal Pradesh, District - Lohit, Arunachal Pradesh 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 verification on this the 23rd day of May 2002.

Bimal Biswas

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

EO.No.DA.Cell/61

DATED 5.7.99

Consequent on his selection for the post Divisional Accountant (on deputation basis) in the pay scale of ~~Rs. 5000-~~ ~~150-3000-672000/-~~ ~~26000/-~~ in the combined cadre of Divisional Accountants under the Administrative control of the office of

the Accountant General (AGE), Meghalaya, etc., Shillong, Shri Bimal Biswal at present working

in the office of the E. Eng., J&E.C. Dun; Roing; A.P. is posted on deputation as Divisional Accountant

in the office of the Executive Engineer, R.W.D., Tezu, Arunachal Pradesh.

2. Shri Bimal Biswal should join the aforesaid post of Divisional Accountant on deputation within ~~30~~ ^{twenty days} 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 Bimal Biswal will be for a duration of 1(one) year only from the date of joining in the office of the Executive Engineer, R.W.D., Tezu, A.P.

4. The pay and deputation (Duty) allowances in respect of Shri Bimal Biswal 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

*Accepted
for
deputation*

*Estt
M open a new file
and keep the record properly
- 19/7/99*

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

as amended and modified from time to time. While on deputation, Shri Bimal Biswal 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 Bimal Biswal, 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 Bimal Biswal shall be treated as final and cannot be altered/changed later under any circumstances whatsoever.

5. 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 dtd.7-12-1962 (incorporated as Annexure to Govt of India decision No. in Appendix 31 of Choudhury's C.S.R. Volume IV(13th. Edition) and as amended and modified from time to time.)

6. Shri Bimal Biswal on deputation will be liable to be transferred to any place within the State of Arunachal Pradesh, Manipur and Tripura, in the combined cadre of Divisional Accountants under the Administrative control of the Accountant General (A&E) Meghalaya, etc., Shillong.

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

Attested for Advocates

sd/-
By Accountant General (A&E)

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

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

No.DA Cell/2-46/92-93/2000-01/Vol.II/1373

Dated:-21-03-2002

To,

1. The Chief Engineer, I.&E.C. Department, Arunachal Pradesh Itanagar.
2. The Chief Engineer, P.W.D. Agartala Tripura.
3. The Chief Engineer, P.W.D. Manipur Imphal.

Sub:- Extended period and repatriation of the following Divisional Accountant (on deputation).

Sir,

The under mentioned Divisional Accountant on deputation who were under the Administrative Control of Accountant General (A&E) Meghalaya etc., Shillong, their period of deputation is extended upto 31.7.2002 respectively.

On being expiry of deputation period i.e. on 31.7.2002 they are directed to report to their respective parents department immediately under intimation to this office.

Sl. No	Names	Division	Date of completion.
1.	Bimal Biswas, D.A. on deputation	R.W.D. Tezu Division Arunachal Pradesh.	31.7.2002
2.	Amal Sarkar, D.A. on deputation	Electrical Division No.III Agartala.	31.7.2002
3.	T.C.Vanlalhmuaika, D.A. on deputation	Chura Chandpur Division No.II Tipaimukh P.W.D. Manipur.	31.7.2002
4.	Paudhankhup, D.A. on deputation	Chura Chandpur Division P.W.D. Manipur.	31.7.2002

Authority :- A.G.'s order dated 3.1.02 at P/18N in file No.DA. Cell/2-46/92-93/2000-01/Vol.II.

sd/-
Sr.Dy.Accountant General (Admin).

Dated:-21.3.2002.

Memo No.DA Cell/22-46/92-93/2000-01/Vol.II/1374-80

Copy forwarded to :-

1. The Executive Engineer, R.W.D. Tezu Division Arunachal Pradesh Itanagar.
2. The Executive Engineer, Electrical Division No.III Agartala Tripura.
3. The Executive Engineer, Chura Chandpur Division No.II P.W.D. Tipaimukh P.W.D. Manipur.
4. The Executive Engineer, P.W.D. Chura Chandpur, Manipur.
5. Person Concerned.
6. S.C. File.
7. E.O. File.

sd/-
Sr. Accounts Officer, I/c DA Cell.

Regd.

*Attested
for
Advocate*

- 21. 21. 2001 - 36

ANNEXURE - 3

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

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

23

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 Andhra 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.B.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 Hugoy . . . 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.



*Assisted
for
Advocate*

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) :
Hago 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

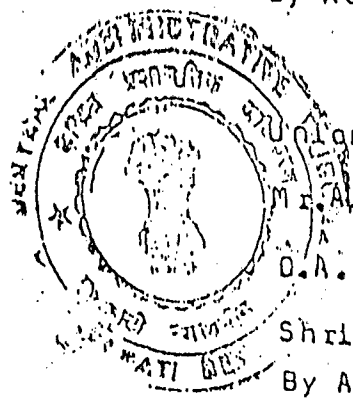
- Vs -

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 Hago 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.



*Attested
for
private*

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
involved are similar and they can be disposed of by a common

[Handwritten signature]

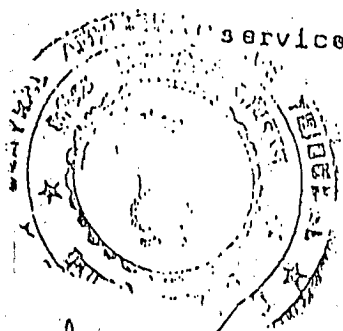
order, against which learned counsel for the parties have no objection.

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 Depts. 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



*Attested
Jin
Arunachal*

[Handwritten signature]

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 totalling 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.

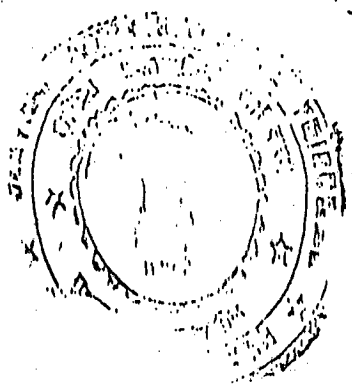
Formal notification is under issue and shall be communicated in due course.

Yours faithfully,

(Y. Megu)

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

Contd.. 5

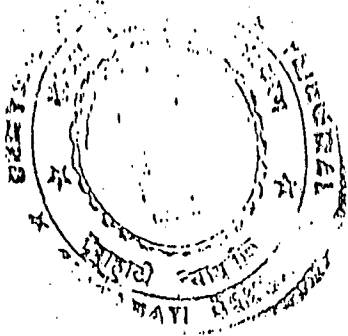


Attested for Arunachal

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 ^{put on hold} suspended (by order dated 15-11-1999, filed 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 (A/M)

Certified to be true Copy

প্রমাণিত প্রতিলিপি

N. Srinivasan
11/7/2001

Section Officer (A)

প্রশাসনিক কমিশ্যন (কেন্দ্রীয় স্তর)
Central Administrative Tribunal

কেন্দ্রীয় প্রশাসনিক কমিশ্যন

Guwahati Bench, Guwahati

গুৱাহাটী বেঞ্চ, গুৱাহাটী

H.S.
11/7/2001

*Noted
Sd/-
D. S. Choudhury*

ANNEXURE- 4

GOVT OF ARUNACHAL PRADESH
DIRECTORATE OF ACCOUNTS & TREASURIES : NAHARLOGUN

(THROUGH FAX/SPEED POST)

No.DA/TRY/15/99/9629 Dated Naharlogun the 15th Nov'99

To,

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

Sub :-Recruitment/posting of regular Divisional Accountants.

Ref :-Your letter No.DA/Cell/2-46/92-93/1241 dated 4-10-99
& this office letter No.DA/29/85/(Part)/6304 dtd 8-9-99

Sir,

The issue of recruitment and posting of Divisional Accountants to 38 Rural works divisions of this state which are presently manned by deputationist were under active consideration of the State Government. The Govt of A.P. has observed that prior to this correspondence under reference the State Govt. as well as this Directorate were never consulted while recruiting and posting of DAOs/DAs, though these posts were borned in the establishment of Executive Engineers and paid from the state exchequer. It has also been observed that prior to declaration of the Statehood (20-2-87), the cadres of the DAOs/DAs were enjoying pay scales without anomaly with the comparable status of Accountant/Assistant/Superintendent in the State Govt. working either in the Directorate of Accounts treasuries as well as in other Directorates or in the District establishment. The Directorate of Accounts and Treasuries now express concern on the pay scales presently enjoying by the cadres of DAs/DAs were enhanced without having approval of the State Govt of A.P. The higher pay scales presently enjoying by the cadre of DAs/DAs has been posing a problem for granting huge amount in the form of pay and allowances during the proposed training period of 38 Divisional Accountants.

The Govt of Arunachal Pradesh is of the view that recruitment and posting of the DAOs/DAs for 38 working Divisions of PWD may not be done at this stage, since final decision of the Govt is still

*Certified to
be true copy
Rajiv Singh*

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 Rural service. This will provide succor 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.

Yours faithfully,

(C. M. Mongmaw)
Joint Director of Accounts
Directorate of Accounts & Treasuries,
Govt. of Arunachal Pradesh

Fax No 0360 244281

Copy to :-

1. The P.S. to the Hon'ble Chief Minister, Arunachal Pradesh, Itanagar for information of the Hon'ble Chief Minister.
2. The P.S. to the Commissioner (Finance), Govt of A.P., Itanagar for information.
3. The P.S. to the Commissioner (Finance), Govt of A.P., Itanagar for information.
4. The Accountant General (Audit) Arunachal, Mehalaya etc, Shillong for favour of information.
5. The Chief Engineer PWE (EZ/WZ)/RWD/PHED/IFCD/Power for information please. They are requested to give continuation to the serving Das who are on deputation, for a further period of 2 years on expiry of their present term of deputation & meanwhile they may please direct the Executive Engineer concerned not to accept joining report of new appointee (DA) without consulting the State Govt/Directorate of Accounts and Treasuries, Naharlogun.
6. The Chief Accounts Officer PWD (EZ/WZ)/RWD/PHED/IFCD/Power for information.
7. Office copy

(C.M. Mongmaw)
Joint Director of Accounts
Directorate of Accounts & Treasuries
Govt. of Arunachal Pradesh
Naharlogun

ANNEXURE-5

GOVERNMENT OF ARUNACHAL PRADESH
 Director of Accounts & Treasuries
 Naharlagun-791110

No. DA/TRY/15/99

Dated, the 12th January, 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.

*Certified to be
True copy
As per
Advocate*

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,

Sd/-

(Y. Megu)

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

GOVT OF ARUNACHAL PRADESH
DIRECTORATE OF ACCOUNTS & TREASURIES
NAHARLAGUN

NO. DA/TRY/15/99

Dated Naharlagun the 11th March '02

To,

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

Sub:- Continuation of service in respect of the Divisional Accountant on deputation.

Sir,

I would like to inform you that the state cabinet of Arunachal Pradesh has already taken a decision for taking over of the administrative control of the cadres of Sr.DAO/DAO/DA of works divisions belonging to PWD/PHED/IFCD/RWD and Power department of Arunachal Pradesh. In order to ensure smooth transition of the controlling authority of the said cadres a scheme has already been formulated which is being submitted to you shortly for obtaining approval of the appropriate authority for issuance of a formal 'Notification'.

Meanwhile you are requested for not to make any fresh recruitment to the post of the Divisional Accountants against the Works divisions of the State of Arunachal Pradesh which is in continuation to our letter No. DA/TRY/15/99 dated 15/11/99. Fresh recruitment of the Divisional Accountants will be made by the state government through Arunachal Pradesh Public Service Commission. Therefore the Divisional Accountants those who are appointed by you on deputation from the state service of Arunachal Pradesh may be allowed to continue as Emergency Divisional Accountants for the time being as a working arrangement. But for their absorption on regular basis they will be given chance to qualify themselves in the Divisional Test examination which will be conducted by the state government through the authorized officer of the state government after taking over the administrative control of the cadres.

Yours faithfully,

(A.K. Guha)

Commissioner (Finance)
Govt. of Arunachal Pradesh
Itanagar.

Dated Naharlagun the 11th March '02.

Memo No. DA/TRY/15/99/

Copy to :-

- 1). The Chief Engineer, PWD (E/Z, W/Z)/PHED/IFCD/RWD and Power Department of Arunachal Pradesh for information.

*Attested
by
A.K. Guha*

- 2). All Executive Engineers, PWD/PHED/IFCD/RWD & Power department of Arunachal Pradesh for information. They are requested for not to release the Divisional Accountants, who are on deputation from the state service of Arunachal Pradesh, on expiry of their deputation term, until further order from this end.



(A.K. Guha)
Commissioner, (Finance)
Govt. of Arunachal Pradesh
Itanagar.

*Pls list
for
Dorvo call*

THE ARUNACHAL TIMES

THE PREMIER ENGLISH DAILY FROM THE STATE
SUNDAY, DECEMBER 2, 2001

Vol 13 No. 166

Rs. 1.00

ADMISSION OPEN
 St. Thomas Residential School
 (English medium)
 F-Sector, Naharlagun
 Classes-Nursery to IV
 Contact: 246070 (0)
 245279 (PP)

Govt approves Women Commission, clears its stand on Rottung dam

ITANAGAR, Dec 1, (UNI): The Arunachal Pradesh government has approved the setting up of a state women commission, a statutory body to look after the interest of women in the state.

Arunachal Pradesh Information and Public Relations Minister Takam Sanjoy told newsmen here today that the recently concluded cabinet had approved the levying of monthly service charges on *pakka* (concrete) and *semi-pakka* (half concrete) government accommodation in places connected by motorable roads at a nominal rate.

In its recently concluded meeting at Along, the district headquarters of West Siang, the cabinet also approved the policy in respect of use of public sites and facilities for advertisement or publicity campaign in the state.

Sanjoy, who is also the government spokesman, said the

of disputed micro-hydel projects to the CBI, adding that the investigating agency had now allowed further construction work.

The cabinet further approved the proposal to take over the administrative control of senior divisional accounts officers, divisional accounts officers and divisional accountants belonging to PWD, rural works department, public health engineering irrigation and flood control department and power department of Arunachal Pradesh from the administrative control of the accountant general, Meghalaya, he informed.

The cabinet was also informed about the medium term fiscal reform programme of the state government, he said.

The cabinet noted that as the investigation had not been completed for the proposed Siang hydel project, it was premature

to speculate which areas might get submerged in and around Along township.

To allay any unwarranted fear, the cabinet decided that the National Hydro Electric Power Corporation (NHPC) would be directed to ensure that the design of the Rottung dam do not result in submergence of any part of Along township. Otherwise the project would be unacceptable to the state government, Sanjoy said.

The people of Along were agitating over the proposed construction of Rottung dam over Siang river under the banner of Siang Bachao Andolan apprehending danger to the township.

The state government had directed the NHPC to investigate into the construction of three dams in three different places of the river instead of going for one mega dam, he said.

LCN observes World AIDS Day

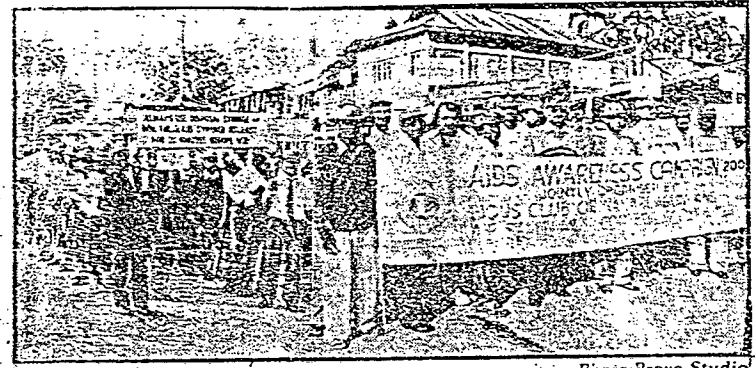


Photo: Prava Studio

NAHARLAGUN, Dec 1: The Lions Club of Naharlagun (LCN) in association with State AIDS Control Society, here observed December 1 as 'World AIDS Day' with the rest of the world. A massive rally was organized at the Community Hall premises here to mark the occasion, according to a LCN release.

Earlier, in the morning the members of LCN, its well-wishers and students of various schools in large number took out procession through the main

thoroughfare of the town holding placards and banners on prevention of AIDS and converged at the Community Hall premises.

Minister of State for Health Dr T Tapak and high ranking health department officials also attended the rally. In his address Dr Tapak cautioned the people in general and the students in particular about the dreaded disease and called upon them to aware the people of the killer virus and do their best for prevention of the disease in the so-

ciety. A blood donation camp and AIDS awareness exhibition which was inaugurated by the Dr. Tapak, besides a spot-quizz contest on AIDS among the school children were the main highlights of the day.

Later in the day, the Lions Club members met the truck drivers who are considered to be the most vulnerable to HIV/AIDS virus and aware them of the dreaded virus and various preventive measures required to be taken to remain free from the killer virus, the release added.

CM announces Rs 50 lakh to Nacho landslide victims

DAPORLJO, Dec 1: Arunachal Pradesh Chief Minister Mukut Mithi recently visited Nacho in Upper Subansiri district. He was accompanied by Urban Development, Tax & Excise Minister T C Teli, IPCD Minister Hari Kumar, Roads and P&W Minis-

ULFA to talk on condition

GUWAHATI, Dec 1, (UNI) Arbinda Rajkhowa and armed wing chief Paresh Barua were in favour of holding unconditional political dialogue to end the Indo-Assam confrontation on the basis of conditions earlier put forward by them.

Jamir stresses on socio-economic dev.

KOHIMA, Dec 1, (UNI): Nagaland Chief Minister S C Jamir today said socio-economic development should get priority over the process for settlement of the Naga issue which will be based on wide-ranging consensus and will have to be essentially peaceful and will be essentially had made great achievements in the last 38 years.

E-mail
animes@sancharnet.in

NEWS IMPACT

AMSU to boycott Manipur governor

IMPHAL, (UNI): The All Manipur Students' Union (AMSU) Saturday announced to boycott Governor Ved Prakash Marwah and his advisors with immediate effect.

The decision was taken to protest the governor's failure to concede to the organization's charter of demands for improvement in the quality of education in the state.

PWG naxals blow up court building

HYDERABAD, (UNI): Continuing with their violent spree, naxalites of the banned Peoples War Group (PWG) have blown up a court building housing the offices of assistant session judge and judicial first class magistrate at Asifabad in Adilabad district of Andhra Pradesh.

According to police, six ultras came to the court building late Friday night and blew it by placing detonators.

2 convicts escape

MADRAS, (UNI): Two convicts escaped from the high security central prison here escaped after scaling the wall in the wee hours Saturday.

*Alles led
dem
Advo cat*

CENTRAL ADMINISTRATIVE TRIBUNLA, GUWAHATI BENCH.

Original Application Nos. 230, 234 & 276 of 2001.

Date of Order : This the 11th January, 2002

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

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

O.A.No. 230/2001 :

Shri Tashi Namgey
S/O Sangka Dondu
Divisional Accountant
Office of the Executive Engineer
Seppa P.W.D. Division
Arunachal Pradesh. . . . Applicant.

By Sr.Advocate Mr.G.K.Bhattacharyya, Mr.G.N.Das &
Mr.B.Choudhury.

- Versus -

1. Accountant General (A & E)
Meghalaya etc.
Shillong (Meghalaya).
2. State of Arunachal Pradesh
(Represented by the Secretary to the
Govt. of Arunachal Pradesh, P.W.D.
Naharlagun, A.P.).
3. Chief Engineer, P.W.D.
Arunachal Pradesh
Naharlagun, A.P.
4. Director of Accountants and Treasuries
Arunachal Pradesh
Naharlagun, A.P.
5. Executive Engineer
Seppa P.W.D. Division
Arunachal Pradesh. . . . Respondents.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

O.A.No.234/2001 ;

Shri Binith Kumar Das
Divisional Accountant in the Office of
the Executive Engineer, Ziro Division,
P.W.D., Arunachal Pradesh, P.O: Ziro,
District: Lower Subansiri
Arunachal Pradesh. . . . Applicant.

By Sr.Advocate Mr.B.K.Sharma, Mr.S.Sarma,
Mr.U.K.Nair & Ms.U.Das.



Handwritten checkmark or signature.

41

- Versus -

1. Union of India
Through the Controller & Auditor General
of India, 10, Bahadur Shah Jafar Marg
New Delhi-110002.
2. The Accountant General (A & E)
Meghalaya ec.
Shillong-793001.
3. The State of Arunachal Pradesh
Represented by the Secretary to the
Government of Arunachal Pradesh
P.W.D., Itanagar.
4. The Chief Engineer, Department of Power
Government of Arunachal Pradesh
Itanagar.
5. The Executive Engineer
P.W.D., Ziro Division
Arunachal Pradesh.
Ziro-791120.
6. The Director of Accounts & Treasuries
Government of Arunachal Pradesh
Itanagar, Arunachal Pradesh. . . . Respondents.

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

O.A.No. 276/2001 :

Sri Radheshyam Das
Divisional Accountant in the Office of
the Executive Engineer, R.W. Division
Pasigha, P.O: Pasighat
Arunachal Pradesh. . . . Applicant.

By Sr.Advocate Mr.B.K.Sharma, Mr.S.Sarma &
Mr.U.K.Goswami.

- Versus -

1. Union of India
Through the Comptroller & Auditor General of
India, 10, Bahadur Shah Jafar Marg
New Delhi-110002.
2. The Accountant General (A & E)
Meghalaya etc. Shillong-793001.
3. The State of Arunachal Pradesh
Represented by the Secretary to the
Government of Arunachal Pradesh
Itanagar.
4. The Chief Engineer
Department of Power
Government of Arunachal Pradesh
Itanagar.
5. The Executive Engineer
R.W. Division, Pasighat
Arunachal Pradesh
P.O: Pasighat.

6. The Executive Engineer, Basar
I. & F' C Division, Basar
Arunachal Pradesh.

7. The Director of Accounts & Treasuries
Government of Arunachal Pradesh
Itanagar, Arunachal Pradesh.

. . . Respondents.

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

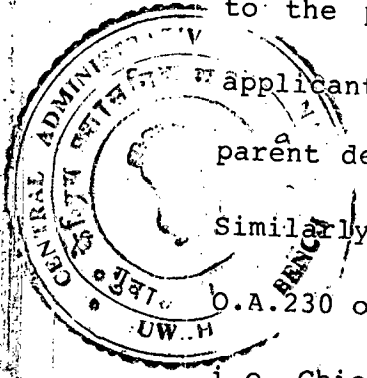
O R D E R

CHOWDHURY J.(V.C.) :

All these three applications are taken together since it involves the common question of facts and common question of law.

1. The applicants in all the applications are on deputation in the posts of Divisional Accountants under the Administrative Control of the Accountant General (A & E) Meghalaya etc, Shillong. On expiry of the deputation period by different orders the applicants were repatriated to the parent department. By order dated 17.12.99 the applicant in O.A.234 of 2001 was repatriated to his parent department i.e. Chief Engineer, (Power) Itanagar. Similarly, by order dated 30.5.2001 the applicant in O.A.230 of 2001 was repatriated to his parent department i.e. Chief Engineer, P.W.D., Arunachal Pradesh, Itanagar, so also the applicant in O.A.276 of 2001 vide order dated 11.6.2001 was repatriated to his parent department i.e. Chief Engineer, (Power), Department of Power, Arunachal Pradesh, Itanagar. The legitimacy of the orders of repatriation is challenged in all these applications

2. We have heard Mr.S.Sarma, Mr.B.Choudhury and also Mr.M.Chanda appearing for the applicants and Mr.A.Deb



43

Roy, learned Sr.C.G.S.C appearing for the respondents. The learned counsel for the applicants strenuously argued that the applicants served for many years under the respondents before the orders of repatriation were issued and infact they opted for absorption and when the process was going on by the impugned orders the applicants were in a most illegal fashion repatriated to their parent departments. The learned counsels for the applicants also brought our attention as to the steps taken by the State of Arunachal Pradesh to take over the cadre of the Divisional Accountants Officers/Divisional Accountants of the Works Department totalling 91 posts. We are, however, informed by the learned counsel for the applicants that the Cabinet further approved the approved the proposal to take over the administrative control of Senior Divisional Accounts Officers, Divisional Accounts Officers, and Divisional Accountants belonging to PWD, Rural Works Department, Public Health Engineering, Irrigation and Flood Control Department and Power Department of Arunachal Pradesh from the administrative control of the Accountant general, Meghalaya.

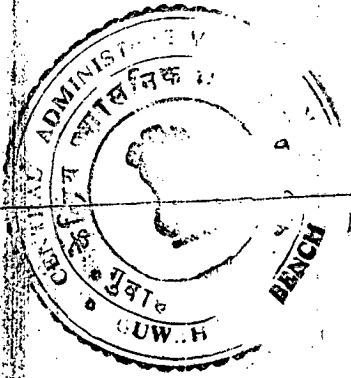
3. The core question involved as to the legitimacy as well as the competence of the authority for reverting the applicants. The applicants came under the Accountant General (A&E), Meghalaya on deputation. They are holding the permanent posts in the respective parent department. At the end of the deputation period they are repatriated.

Nothing illegality is discernible from the orders of repatriation.

4. The applicants might have sought for absorption in the borrowing department as per the Recruitment Rules. The Govt. of Arunachal Pradesh is of the view that recruitment and posting of the DAOs/DAs for 38 working Divisions of PWD may not be done till the final decision of the Govt. is taken. There will be no bar for absorbing the applicants, if the borrowing department decide even after these persons are repatriated. In this circumstances, we do not find any merit in these applications. Accordingly, the applications are dismissed.

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

Interim orders if any stand vacated.



Sd/VICE CHAIRMAN

Sd/MEMBER (Admn)

TRUE COPY

प्रतिप्रिपि

W. S. ...
14/2/02

Section Officer (A)
अनुमान्य अधिकारी (अ), प्रिपि प्रांत
Central Administrative Tribunal

केन्द्रीय प्रशासनिक प्रिपि
Guwahati Bench, Guwahati

रजिस्ट्री, गुवाहाटी
HS
13/2/2002