

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 51/2004

R.A/C.P No.

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16. Counter Reply.

SECTION OFFICER (Judl.)

1.4.2004 Present: Hon'ble Shri Kuldip Singh,
Judicial member

Hon'ble Shri K.V. Prahladan,
Administrative Member.

FORM NO. 4 Learned counsel for the
(SEE RULE 42) respondents seeks four weeks time to
CENTRAL ADMINISTRATIVE written statement. Time allowed.
GUWAHATI Bench, applicant may file rejoinder within
two weeks thereafter. List the matter
ORDER SHEET on 27.4.04 for orders. Meanwhile,
Ord.App/ Misc.Petn/Cont.Petn/ interim order 51/2004 to continue.

In O.A. 51/2004

Name of the Applicant(S) Biswanup Pankajastha

Name of the Respondent(S) Wd 2018.

Advocate for the Applicant Mr H. K. Das & B. Pankaj

Counsel for the Railway/ C.G.S.C. CGSC.

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
-------------	------	-----------------------

1.3.2004

Heard Mr H.K. Das, learned
counsel for the applicant. The
application is admitted. Issue
notice returnable by 1.4.04.
Meanwhile, the reversion order
dated 19.2.2004 is stayed till the
returnable date. List for orders on
1.4.04.

Dy. Registrar

10/3/04
Member

nk m

1.4.2004

Present: Hon'ble Shri Kuldip Singh,
Judicial Member

Hon'ble Shri K.V. Prahladan,
Administrative Member.

Learned counsel for the
respondents seeks four weeks time to
file written statement. Time allowed.
Two weeks thereafter for rejoinder.
List it on 27.4.04. Meanwhile,
interim order, if any to continue

Member(A)

Member(J)

nk m

is in form.

119 378227

20/2/04

Spaw. find on 1/3/04

with steps

Synopsis to be obtained

27.2.04

Notice & order dt. 1/3/04
sent to D/Section for
issuing to respondent
nos - 1 to 5.

11/4/04

OA 51/04

Copy of order dated
1.4.04 sent to D/S
for issuing to the
counsel of both parties.

NS
22/4/04

27.4.2004

On the plea of learned counsel
for the respondents four weeks time
is allowed to the respondents to file
written statement. List on 28.5.2004
for orders.

In-terim order dated 1.3.2004
shall continue.

No written statement
has been filed.

NS
26.4.04

mb

28.5.2004

Since Mr. A. Deb Roy,
learned Sr. C.G.S.C. for the
respondents is on leave, list on
1.7.2004 for orders. Interim order
dated 1.3.2004 shall continue.

No. W/S has been
filed.

NS
27.5.04

14/6/04

W/S has been filed
on behalf of respondents.

NS
14/6/04

mb

21.7.04.

Present: Hon'ble Mr.K.V. Sachidananda
Judicial Member.

Hon'ble Mr.K.V. Prahladan, Administra
tive Member.

Copy of order
dated 28/5/04
sent to D/Section
for issuing to the
counsel of both
parties.

NS
15/6/04

ay 4/8

When the matter came up for hearing the
learned counsel for the applicant submitted
that he would like to file rejoinder.
Four weeks time is granted for filing of
rejoinder. Post the matter on 23.8.04 for
orders. Interim order shall continue.

KV Prahladan
Member(A)

Member(J)

lm

ay 17/6

23.8.04.

Present: Hon'ble Mr.D.C.Verma,
Vice-Chairman
Hon'ble Mr.K.V.Prahladan, Administra-
tive Member.

Heard learned counsel for the parties.

The reply has been filed by the Respondents. The Interim Order was passed on 1.3.04 staying the impugned order. When the matter was fixed for hearing the learned counsel for the applicant prays for adjournment to file rejoinder. To-day also the learned counsel for the applicant prays for four weeks time to file rejoinder. Four weeks time is allowed to file the rejoinder. On that day if he fails to file the rejoinder, the case will be heard on merit and the interim relief will be vacated.

List on 27.9.04 for orders.


Member


Vice-Chairman

1) W/s has been filed on behalf of the respondents. lm

2) No A/D cards received by this registry.

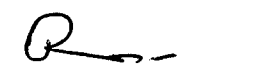
27.9.2004 Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

The Hon'ble Mr.K.V.Prahladan
Member (A).

Mr.H.K.Das, learned counsel for the applicant as well as Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents were present.

List the matter for final hearing on 4.10.2004. Interim order dated 1.3.2004 shall continue till the next date.


Member (A)


Vice-Chairman

bb

order dt. 27/9/04
issuing to learned
Advocate for both
parties.

by
28/9/04.

28.9.04

Rejoinder submitted
by the applicant.



order dt. 23/8/04
issuing to learned
advocate of the both
the parties.

by
27/8/04.

by 27/8/04

OA 51/04

u

Notes of the Registry

Date

Orders of the Tribunal

4.10.2004

Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

The Hon'ble Mr. K.V. Prahladan
Member (A).

The case is ready
for hearing as rejoinder
w/s and rejoinder filed
by the counsel in both
sides.

NTS
11/10/04

Re. court order dated

4/10/04

NTS
6/10/04

A letter received by the
Hon'ble Court on 4/10/04
for adjournment that the
advocate of the applicant
to be in the International
Hospital, Guwahati.

NTS
6/10/04

order dt. 4/10/04
sent to D/Section
for issuing to
applicant, by regd.
A/D post.

NTS
11/10/04
11/11/04

No one appeared for the
applicant when the matter was called.
Mr. A. Deb Roy, learned Sr. C.G.S.C. was
present on behalf of the respondents.
On 21.7.2004 learned Advocate for the
applicant had sought four weeks time
to file rejoinder. The matter again
came on 23.8.2004 for hearing and
learned Advocate for the applicant
again sought four weeks time to file
rejoinder. It appears that rejoinder
has been filed on 27.9.2004. The
matter was fixed for final hearing
today.

Though we are not inclined to
dispose of the matter on merits
today, in the absence of learned
Advocate for the applicant, yet it is
considered necessary that the interim
order, which is continuing since
be vacated,
1.3.2004 / since the applicant is not
diligently prosecuting the matter
before this Tribunal and the matter
is being dragged. Even otherwise, the
~~extended~~
expanded deputation period will end
on 5.11.2004.

In the facts and circumstances,
we are vacating interim order dated
1.3.2004. List the matter for final
hearing on 8.11.2004.


Member (A)


Vice-Chairman

Notes of the Registry

Date

Orders of the Tribunal

The case is ready for
hearing as regards
W/S and Rejoinder.

8.11.2004

STG
Guloh.

16.11.04

Copy of the order
has been sent to
the Dfse for issuing
the same to the
applicant as well
as to the En. C.G.S.C. for
the response
etc.

000

None present for the appli-
cant. Mr. A. Deb Roy, learned Sr.C.
G.S.C. was present for the respon-
dents. Even on the last hearing
no one appeared on behalf of the
applicant.

The application, in our view,
has become infructuous since the
extended deputation period has al-
ready expired on 5.11.2004.

In view of the above, the
application is dismissed as infru-
ctuous with no order as to costs.


Member


Vice-Chairman

bb

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

O.A.NO. 51 OF 2004

**Shri Biswarup Purkayastha - Applicant
Vrs.
The Union of India & Ors. - Respondents**

List of dates and synopsis of the case.

<u>Sl. No.</u>	<u>Dates</u>	<u>Synopsis</u>	<u>Page</u>
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2.	27 - 02 - 2004	Verification.	07
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4.	03 - 10 - 2001	Order of extension of deputation for a further period of 1 (one) year from 02 - 11 - 2001 to 01 - 11 - 2002 (Annexure - II).	09
5.	25 - 11 - 2002	Order of extension of the term of deputaion for a further period of 1 (one) year from 06 - 11 - 2002 to 05 - 11 - 2003 (Annexure - III).	10
6.	23 - 12 - 2003	Order of extension of the term of deputaion for a further period of 1 (one) year (4th year) from 06 - 11 - 2003 to 05 - 11 - 2004 (Annexure - IV).	11
7.	19 - 02 - 2004	Order of repatriation to parent office i.e., O/o. the Sr. Dy. Accountant General, (A & E), Nagaland, Kohima with immediate effect being relieved of duties on 29 - 02 - 2004 (Annexure - V).	12
8.	23 - 02 - 2004	Representation dtd. 23 - 02 - 2004 of the applicant for retention in the Borrowing Office, i.e., O/o. the Accountant General, (A & E), Assam for the 4th year upto 05 - 11 - 2004.	13

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 FEB 2004

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

O.A. NO. 51 OF 2004

Shri Biswarup Purkayastha.

..... Applicant.

- Vrs -

The Union of India & Others.

..... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
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Filed by : (H.K.DAS)
Advocate.

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

filed by the petitioners
through
Advocate
27-2-2004
(B. Sarma)
Advocate.

An application under Section 19
of the Central Administrative
Tribunal Act, 1985.

O.A. No. 51 of 2004

Shri Biswarup Purkayastha,
Senior Accountant,
Office of the Accountant General
(A & E), Assam, Maidamgaon,
Beltola, Guwahati-29.

..... Applicant.

- Versus -

1. The Union of India, represented by
the Secretary to the Govt. of India,
Ministry of Finance, New Delhi.
2. The Comptroller and Auditor General
of India, New Delhi.
3. The Accountant General (A & E),
Assam, Maidamgaon, Beltola,
Guwahati-29.
4. The Accountant General (A & E),
Meghalaya, Shillong-1.
5. The Establishment Officer, Office of
the Accountant General (A&E),
Meghalaya, Shillong-1.

..... Respondents.

Biswarup

1. PARTICULARS FOR WHICH THE APPLICATION IS MADE :

(1) That this application is filed for quashing the impugned order No.386 dated 19.02.2004 issued by the Establishment Officer, Office of the Accountant General (A&E), Meghalaya, Shillong, repatriating the petitioner to his parent office at Kohima with immediate effect having been relieved with effect from 29.02.2004.

(2) That the aforesaid repatriation order dated 19.02.2004 has been issued despite the deputation service having been extended for one year (4th year) with effect from 06.11.2003 to 05.11.2004 vide Order No. 261 dated 23.12.2003.

(3) That the said repatriation order dated 19.02.2004 has been issued without affording any notice of reasonable opportunity as required under Appendix (F.R. 9(25) 5, clause 11 of the F.Rs & S.Rs.

2. LIMITATION :

That the instant application is filed within the prescribed period of limitation as provided under Section 21 of the Administrative Tribunal Act, 1985.

3. JURISDICTION OF THE TRIBUNAL :

That this application is well within the jurisdiction of this Hon'ble Tribunal as required under Section 14 of the Administrative ~~Act~~, Tribunal Act, 1985.

4. FACTS OF THE CASE :

(i) That the petitioner is a Citizen of India .
He has been serving as a Senior Accountant in the
office of the Accountant General (A&E), Nagaland,
Kohima.

(ii) That the petitioner was selected for
deputation service under usual terms and conditions
initially for a period of 1(one) year from the date
of joining in the office of the Accountant General
(A&E), Assam, Maidamgaon, Beltola, Guwahati-29 vide
Order No.179 dated 01.11.2000, and he joined accordingly
in the month of November, 2000.

A copy of the order dtd. 01.11.2000 is annexed
herewith and is marked as ANNEXURE-I.

(iii) That the term of deputation service of the
petitioner was extended for a further period of 1(one)
year with effect from 02.11.2001 to 01.11.2002 vide
order No.119 dated 03.10.2001.

A copy of the order dated 03.10.2001 is annexed
herewith and is marked as ANNEXURE-II.

(iv) That the term of deputation service of the
petitioner was extended for a further period of 1(one)
year with effect from 06.11.2002 to 05.11.2003 vide
order No.145 dated 25.11.2002.

A copy of the order dtd. 25.11.2003 is annexed
herewith and is marked as ANNEXURE-III.

(v) That the term of deputation service of the
petitioner was extended for a further period of 1(one)

Benkayner

year (4th year) with effect from 06.11.2003 to 05.11.2004 vide order dated 23.12.2003 being No.261.

A copy of the order dated 23.12.2003 is annexed herewith and is marked as ANNEXURE-IV.

(vi) That having been extended the term of deputation service upto 05.11.2004 (Annexure-IV) of the petitioner, the Establishment Officer, Office of the Accountant General (A&E), Meghalaya, Shillong has abruptly, repatriated the petitioner to his parent office of the Accountant General, (A&E), Nagaland, Kohima vide his impugned order No.386 dated 19.2.2004.

A copy of the impugned order dtd. 19.02.2004 is annexed herewith and is marked as ANNEXURE-V.

(vii) That vide the impugned order dtd. 19.02.2004 (Annexure-V), the petitioner has been relieved of his duties in the office of the Accountant General (A&E), Assam with effect from 29.02.2004 (A.N.).

(viii) That the respondent Nos. 4 and 5 have issued the repatriation order dtd. 19.02.2004 (Annexure-V) without giving any notice to the petitioner as provided under [(F.R. 9(25), Appendix 5, clause 11 of the FRs & SRO.] Thus the aforesaid order is not tenable in law and is violative of the principles of natural justice.

(ix) That the representation of the petitioner dtd. 23.02.2004 submitted to the Accountant General (A&E), Assam praying for retention of the petitioner on deputation service upto 05.11.2004 is under process and final decision thereon will take sometime.

A copy of the representation dated 23.02.2004 is annexed herewith and is marked as ANNEXURE-VI.

5. GROUND OF RELIEFS :

(i) For that the respondent Nos. 4 and 5 have acted illegally in issuing the impugned order of repatriation dated 19.02.2004 (Annexure-V) to the petitioner without giving prior notice as required under F.R. & S.R.

(ii) For that the term of deputation service of the petitioner has been extended for the 4th year upto 05.11.2004 after taking due consideration of the health condition of the petitioner himself and also of his aged widowed mother and other difficulties of his family. Such being the position, if the deputation term of 4th year of the petitioner is abruptly curtailed without assigning any reason and also without prior notice, the hardships of the petitioner in all fronts will increase with mental agonies resulting in deterioration of his health condition and mental peace.

(iii) For that the petitioner is required to ~~get~~ go frequently to BAUL MON at Jadavpur, Kolkata for medical check-up. The aged mother of the petitioner has to undergo frequent medical check-up. It would not be possible for the petitioner to render necessary services to his sick aged mother if he is not allowed to stay at Guwahati to complete his deputation term being the only male member in his family.

6. DETAILS OF REMEDY EXHAUSTED :

That the petitioner has exhausted the departmental remedy which is available to him.

7. MATTERS PREVIOUSLY FILED OR PENDING IN OTHER COURT :

No matter is pending in other court and/or no matter on the issue has been filed by the petitioner.

8. RELIEF SOUGHT :

In view of the facts and circumstances stated above, the petitioner prays for the following reliefs :-

a) That the impugned repatriation order dated 19.02.2004 (Annexure-V) being bad in law and the same being violative of the principles of natural justice, the said order be quashed/set aside.

b) That the petitioner be allowed to stay at Guwahati for the 4th deputation term upto 05.11.2004 issued vide Annexure-IV.

9. INTERIM RELIEF PRAYED FOR :

Pending disposal of this O.A., the humble petitioner prays that Your Lordships would be pleased to pass necessary order/orders staying the operation of the impugned order No.386 dated 19.02.2004 (Annexure-V).

10. PARTICULARS OF BANK DRAFT/INDIAN POSTAL ORDER :

I.P.O. No. 116378227 dated 26-02-2004
issued by G.P.O., Guwahati.

[Signature]

[Signature]

VERIFICATION

I, Shri Biswarup Purkayastha, aged about 40 years, Son of Late Basanta Kumar Purkayastha, resident of Barthakur Mill Road, Ulubari, Guwahati, District - Kamrup (Metropolitan), Assam, do hereby verify that the contents mentioned in foregoing paragraphs from 1 to 10 are true to my knowledge and belief and that I have not suppressed any material facts..

And I sign this verification on this 27th day of February, 2004 at Guwahati.

Biswarup Purkayastha
SIGNATURE OF THE APPLICANT.

Place :- GUWAHATI.

Date :- 27-02-2004.

Biswarup Purkayastha

10 8

ANNEXURE - I

**OFFICE OF THE SR. DY. ACCOUNTANT GENERAL, (A&E),
NAGALAND :: KOHIMA.**

Admn/A&E/Order No.179

Date : 01-11-2000.

Sri Biswarup Purkayastha, Sr. Acctt. on being selected for deputation under usual terms and conditions initially for a period of 1(One) year from the date of joining on deputation, stands released on the 1st November, 2000 (A/N).

The official is directed to report for duty in the O/o. the Accountant General, (A&E), Assam, Guwahati.

The official has been granted 2 (Two) days' E. L. for 2nd and 3rd November, 2000. After expiry of his leave he will join his new assignment.

(Authority: Orders of the Accountant General dated 24-10-2000 in at page/108n of file No. Admn/A&E/2-8/98-99/Vol. II)

sd/-
ACCOUNTS OFFICER (A)

No. Admn/A&E/PF/BP/89-90/4176-83
Copy to:

Date : 01-11-2000.

1. Sri Biswarup Purkayastha, Sr. Acctt.

He is directed to report for duty in the O/o. Accountant General, (A&E), Assam, Guwahati on expiry of his sanctioned E. L. on for 2nd and 3rd November, 2000

2. The Accountant General, (A&E), Assam, Maidamgaon, Beltola, Guwahati - 781 029.

For information please.

3. The Accountant General, (A&E), Meghalaya, Shillong - 793 001.

For information please with reference to the letter No. ESTT.-I/8-11/87-88/2705, dated 15-9-2000

4. The P. A. O. (Local).

5. The Advance Table (Admn.), (Local).

6. The Bill Table (Admn.), (Local).

7. The Service Book/Personnel File Table (Admn.), (Local).

8. The Cashier (Local).

certified to be true copy
27-12-04
(B. Pankaj) Advocate

ACCOUNTS OFFICER (A)

17 9
ANNEXURE - II

**OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.**

Admn-1 Order No. 119

Date: 03.10.2001

In pursuance of O/O the Sri Deputy Accountant General (A&E) Nagaland's letter No. Admn-1/A&E/2-8/2000-20001/744 dt. 07.09.2001 the term of deputation of Sri Biswarup Purkayastha, Sr. Accountant in the O/O Accountant General (A&E) Assam Guwahati is hereby extended for a further period of one year w.e. from 02.11.2001 to 01.11.2002.

Sd/-
Deputy Accountant General (A&E)

No. Admn-1/Deptn./6-1/201-2002/1931-1942

Date: 03.10.2001

Copy forwarded to:

- 1) The Principal Director of Audit, NF Rly. Maligaon, Guwahati - 11.
- 2) The Accountant General (A&E) Meghalaya etc. Shillong.
- 3) The Accounts Officer (A), O/O the Sr. Deputy Accountant General (A&E) Nagaland, Kohima for information with reference to his letter No. Admn-1/A&E/2-8/2000-2001/744 dt. 07.09.2001.
- 4) The Establishment Officer (M), O/O the Accountant General (A&E), Meghalaya, etc. Shillong.
- 5) The PAO Local.
- 6) The SO i/c Admn - II Section.
- 7) The AAO i/c confidential Cell.
- 8) The Private Secretary to AG (A&E) Assam, Guwahati.
- 9) The Service Book Group.
- 10) Sri Biswarup Purkayastha, Sr. Accountant.
- 11) The Hindi Officer i/c Hindi Cell. He is requested to issue Hindi version of this order from his end.
- 12) Admn-1 Order Book.


Sr. Accounts Officer (Admn)

Certified to be true copy
Rajak
27-02-04
(B. Rajak)
Advocate

B. Pur

19/10
ANNEXURE - III

OFFICE OF THE ACCOUNTANT GENERAL(A&E), ASSAM, BELTOLA, GUWAHATI

Admn. Order No. 145

Dated 25.11.2002-1

In pursuance of o/o the Sr. DAG(A&E), Nagaland's letter No: Admn./A&E/2-8/2000-01/312 dated 8.11.2002, the term of deputation of Sri Biswarup Purkayastha, Sr. Acctt. in the O/o the A.G(A&E), Assam, Guwahati is hereby extended for a further period of one year w.e.f. from 6.11.2002 to 5.11.2003.

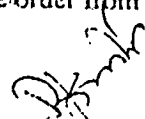
Deputy Accountant General(A & VLC)

No. Admn.1/Depn/6-1/2001-02/2826-2837

Dated 25.11.2002-1

Copy forwarded to :-

1. The Principal Director of Audit, N.E. Railway, Maligaon, Guwahati-11.
2. The A.G(A&E), Meghalaya, etc Shillong.
3. The A.O, O/o the Sr. DAG(A&E), Nagaland, Kohima for information with ref to his letter No. Admn/A&E/2-8/2000-01/312 dated 8.11.2-002. It may be mentioned here that 2nd year term of of Sri Purkayastha, Sr. Acctt. was extended from 2.11.2001 to 1.11.2002 vide your letter no. Admn/A&E/2-8 2000-01/744 dated 7.9.2001. Now 3rd year term of deputation of Sri Purkayastha, Sr. Accountant has been extended from 6.11.2002 to 5.11.2003. There is a discrepancy of 4 days i.e. from 2.11.2002 to 5.11. 2002. This may kindly be clarified. On receipt of reply the same may be regularised.
4. The Establishment Officer (M), O/o the A.G(A&E), Meghalaya, etc. Shillong.
5. The PAO local.
6. The A.A.O, i/c confidential cell.
7. The S.O. i/c Admn.2
8. The P.S. to the A.G(A&E), Assam, Guwahati.
9. S.B. Group.
10. Sri Biswarup Purkayastha, Sr. Accountant.
11. Sr. Hindi Translator, i/c Hindi Cell. He is requested to issue Hindi version of the order from his end.
12. Admn.1. Order book.


Sr. Accounts Officer(A)

certified to be true copy
Ratnak
27-12-04
(B. Ratnak)
Advocate

A 11

ANNEXURE - IV

**OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.**

Admn-1 Order No. 261

Dated: 23.12.2003

In pursuance of O/O the Sr. DAG (A&E) Nagaland's letter No. Admn/A&E/2-8/98-99/939 dt. 15.12.2003 the term of deputation of Sri Biswarup Purkayastha, Sr. Acctt. in the O/O the AG (A&E) Assam, Guwahati is hereby extended for a further period of one year (4th year) w.e. from 06.11.2003 to 05.11.2004.

Sd/-

Deputy Accountant General (Admn & VLC)

No. Admn-1/Deptn./6-1/2003-04/7548-59

Dated: 23.12.2003

Copy forwarded to:

- 1) The Principal Director of Audit, NF Rly. Maligaon, Guwahati - 11.
- 2) The AG (A&E) Meghalaya etc., Shillong.
- 3) The Establishment Officer (M), O/O the AG (A&E) Megh. etc., Shillong.
- 4) Sr. A.O. (A), O/O the Sr. DAG (A&E) Nagaland, Kohima for information with reference to his letter No. Admn./A&E/2-8/98-99/939 dt. 15.12.2003.
- 5) The AAO i/c. PAO Local.
- 6) AAO i/c. Admn-II.
- 7) Service Group/Budget Group.
- 8) AAO i/c. Confidential Cell.
- 9) Hindi Cell. He is requested to issue Hindi version of this order from his end.
- 10) Sri Biswarup Purkayastha, Sr. Acctt.
- 11) Private Secretary to the AG (A&E) Assam, Guwahati.
- 12) Admn-I Order Book.

[Signature]
23/12/2003
Sr. Accounts Officer (Admn)

certified to be true copy
[Signature]
27-02-04
(B. Patra)
Advocate

ANNEXURE - V

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

Estt.I Order No. 386

Dated: 19-2-2004

The following Sr. Accts of the O/o the Sr. DAG (A&E) Nagaland presently on deputation in the O/o the AG (A&E) Meghalaya, Shillong & AG (A&E) Assam, Guwahati are repatriated to their parent Office with immediate effect:-

- | | |
|-----------------------------|--|
| 1) Sri Biswarup Purkayastha | Sr. Accts. O/o the AG (A&E) Assam, Guwahati. |
| 2) Smti L. Bhowmick | |
| 3) Sri Jyotirmoj Mukherjee | |
| 4) Sri Sanjoy Bhattacharjee | |
| 5) Sri Sanjoy Sinha | O/o the AG (A&E) Meghalaya etc, Shillong. |

The above officials are relieved of their duties in the respective Offices w.e.f. 29-2-2004 A.N for reporting back for duty in the O/o the Sr. DAG (A&E) Kohima, Nagaland.

[Authority:- AG's orders dt. 9-2-04 at pg/25N of the file]

Sd/-

Establishment Officer

Memo No. Estt-I/8-11/DS/2003-04/6336-6349

Dated 19-2-2004

Copy for information & necessary action to:-

- | | |
|--|---|
| 1. The DAG (Admn) | O/o the AG (A&E) Assam, Maidamgaon, Beltola, Guwahati-29- with a request to release the officials concerned w.e.f. 29-2-04 under intimation to this Office. |
| 2. The Sr. AO i/c Admn | |
| 3. The Sr. DAG (A&E) O/o the Sr. DAG (A&E) Kohima, Nagaland. | |
| 4. S.B. Group. | |
| 5. Gradation List | |
| 6. SO Estt-2. | |
| 7. Pay bill Group. | |
| 8. PAO (Local) | |
| 9. AAO Confidential Cell. | |
| 10. PS to AG. | |
| 11. Steno to Sr. DAG (A). | |
| 12. Steno to DAG (AE/VLC) | |
| 13. E.O. Book. | |
| 14. Persons concerned. | |

certified to be true copy

(B. Patra)
Advocate

15/2/04
Establishment Officer

21 13
ANNEXURE - VI

To

The Accountant General (A&E), Assam,
Maidamgaon, Beltola,
Guwahati - 29.

Sub: Request for retention on deputation.

Sir,

With due regards, I am to state that for the 4th year I am on deputation service in your office and through out the period I am putting in my sincere service to the satisfaction of my superiors.

Sir, only on 23/12/2003 my period of deputation in this office has been extended for the 4th year up to 05.11.2004.

That sir, I have got various problems in my family front. Being the only male member in my family I have to look after and take care of each and every matter concerning my family. My widowed mother is severely sick, every now and then requiring medical attention. My 4(four) years old child has just started going to school. My wife is an employee of the BSNL.

Sir, my request for deputation to the O/O the Accountant General (A&E) Assam, Guwahati had been conceded to by the kind and sympathetic authorities of both the offices in concurrence with the HQ's office.

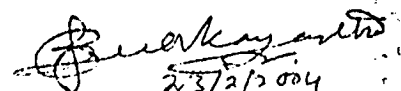
That Sir, it will not be out of place to mention that I myself suffered severe mental depression and for this I had to undergo Medical treatment at the BAUL MON, Jadavpur, Kolkata for long 5(five) months and for that whole period I had to stay on leave. At regular intervals I am required to go for the follow up of the treatment.

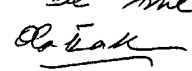
Sir, suddenly on 23.02.2004 I have received an order terminating my deputation in this office with effect from 29.02.2004 which has come to me as a bolt from the blue since at this juncture if I have to go away leaving my family back at Guwahati then all my family members including me will be subjected to severe mental sufferings. Again the conditions of my family do not allow me to take my family along with me to Kohima. On the basis of the extension of my deputation I chalked out and arranged out all the family matters including the eye surgery of my mother.

Sir, in the light of the facts and problems faced by me as mentioned above I would request your kind honour to retain me in this office and thus facilitate me to look after my family well and oblige me. If required I am ready to accept a lower post.

Thanking you Sir.

Yours faithfully,


23/2/04
BISWARUP PURKAYASTHA
Sr. Accountant.

certified to be true copy.

27-02-04
(B. Pathak) Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
(BENCH AT GUWAHATI)

IN THE MATTER OF :

O.A . No. 51 of 2004

Shri Biswarup Purkayastha

APPLICANT

-VERSUS-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Finance, New Delhi.
2. The Comptroller & Auditor General of India, New Delhi.
3. The Accountant General(A&E), Assam, Guwahati.
4. The Accountant General (A&E), Meghalaya etc.Shillong.
5. The Establishment Officer, Office of the Accountant General (A&E), Meghalaya etc.Shillong.

RESPONDENTS

-AND-

IN THE MATTER OF :

Written Statements submitted by all Respondents.

Written Statements

The humble Respondents submit their written statements as follows :-

1. That with regard to paragraph 1(1) of the Application, the Respondents have no comments to offer.
2. That with regard to statements made in paragraph 1 (2) of the Application, the Respondents humbly submit that the period of deputation in respect of the applicant was neither extended by the Cadre Controlling Authority nor was approval accorded by the Cadre Controlling Authority i.e. the Respondent No. 4 for extension of the deputation. A deputationist can always and at any time be repatriated to his parent department.
3. That with regard to the statement made in paragraphs 1 (3) of the Application, the Respondents humbly submit that under the standard terms of

deputation, no notice or reasonable opportunity is required to be afforded to a deputationist on reversion to his parent organisation.

4. That with regard the statement made in paragraphs 2 & 3 of the Application the Respondents submit that they have no comments to offer.

5. That with regard to statement made in paragraphs 4 (i) and (ii) of the Application the Respondents have no comments to offer.

6. That with regard to the statement made in paragraphs 4 (iii) to (v) of the Application, the Respondents humbly submit that the applicant was transferred on deputation to the Office of the Accountant General (A&E), Assam, Guwahati with the approval of the Respondent No. 4 i.e. the Cadre Controlling Authority but the extension of the period of deputation beyond 01.11.2001 was not made with the approval of the Cadre Controlling Authority.

7. That with regard to statement made in paragraph 4 (vi) of the Application, the Respondents humbly submit that the action taken by the Cadre Controlling Authority i.e. Respondent No. 4 was correct as the deputation term of the Applicant expired on 01.11.2001. As the deputation beyond 01.11.2001 was not with the approval of the Respondent No. 4, the Applicant was reverted back to his parent department. A deputationist can always and at any time be repatriated to his parent department.

8. That with regard to statement made in paragraph 4 (vii) of the Application, the Respondents humbly submit that the action of Respondent No. 4 was correct and justified.

9. That with regard to statement made in paragraph (viii) of the Application, the Respondent No. 4 humbly submits that there was no orders in the FRs and SRs that state that notice has to be given to a deputationist on his relief for repatriation to his parent department. Clause 11 of Section V of Appendix 5 of the

-16-

FRs and SRs, under the standard terms of deputation does not state that notice is to be given to a deputationist when reverting him back to his parent organisation. The contention of the Applicant is not correct and thus the action of Respondent Nos. 4 and 5 are in order.

10. That with reference to submission made in paragraph (ix) of the Application, the Respondents have no comments to offer.

11. That with regard to statements made in paragraphs 5 (i) of the Application, the Respondents humbly submit that in view of what is stated above the action of Respondents No. 4 and 5 are in order.

12. That with regard to statement made in paragraph 5 (ii) of Application, the Respondents humbly submit that the term of deputation in respect of the applicant was never extended by the Cadre Controlling Authority i.e. the Respondent No. 4.

13. That with regard to statement made in paragraph 5 (iii) of the Application, the Respondents humbly submit that they have no comments to offer.

14. That with regard to the statements made in paragraphs 6 & 7 of the Application, the Respondents submit that they have no comments to offer.

Relief(s) sought for

15. That with regard to the statements made in paragraphs 8 (a) & (b) & 9 of the Application, the Respondents submit that the stay order in the matter of repatriation should be set aside as because the need for repatriation of the deputationist has arisen.

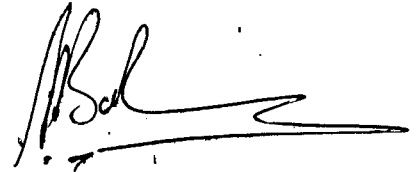
That in view of the facts and circumstances stated above the Respondents humbly pray that the present Application be dismissed with costs in favour of Respondents.

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-17-

VERIFICATION

I Shri S. A. Bathew, Sr. Dy. Accountant General (Admn), O/o
The Accountant General (A&E), Meghalaya, Arunachal Pradesh and
Mizoram Shillong do hereby solemnly declare that the statements are
true to my knowledge, belief and information and I sign the
Verification on the 27th day of May 2004 at Shillong.



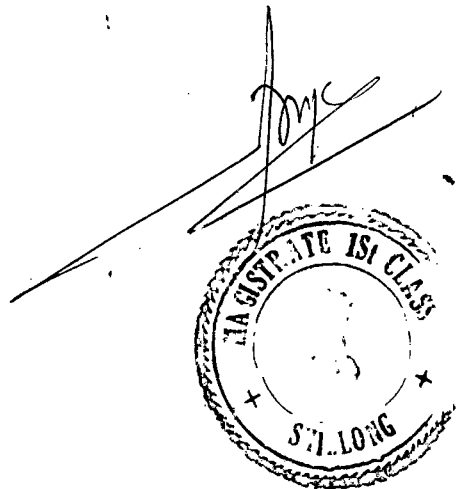
(S. A. Bathew)
DEPONENT

Identified by



ADVOCATE

Solemnly affirmed and sworn before me this day
the 27th May 2004 by the deponent
abovenamed on being identified by L. KHYREZ
Advocate, Shillong.



-18-

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15

ANNEXURE-1

**OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.**

Admn-1 Order No. 119

Date: 03.10.2001

In pursuance of O/O the Sri Deputy Accountant General (A&E) Nagaland's letter No. Admn-1/A&E/2-8/2000-20001/744 dt. 07.09.2001 the term of deputation of Sri Biswarup Purkayastha, Sr. Accountant in the O/O Accountant General (A&E) Assam Guwahati is hereby extended for a further period of one year w.e. from 02.11.2001 to 01.11.2002.

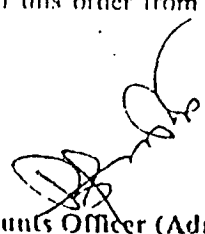
Sd/-
Deputy Accountant General (A&E)

No. Admn-1/Deptn./6-1/201-2002/1931-1942

Date: 03.10.2001

Copy forwarded to:

- 1) The Principal Director of Audit, NF Rly. Maligaon, Guwahati - 11.
- 2) The Accountant General (A&E) Meghalaya etc. Shillong.
- 3) The Accounts Officer (A), O/O the Sr. Deputy Accountant General (A&E) Nagaland, Kohima for information with reference to his letter No. Admn-1/A&E/2-8/2000-2001/744 dt. 07.09.2001.
- 4) The Establishment Officer (M), O/O the Accountant General (A&E), Meghalaya, etc. Shillong.
- 5) The PAO Local.
- 6) The SO i/c Admn - II Section.
- 7) The AAO i/c confidential Cell.
- 8) The Private Secretary to AG (A&E) Assam, Guwahati.
- 9) The Service Book Group.
- 10) Sri Biswarup Purkayastha, Sr. Accountant
- 11) The Hindi Officer i/c Hindi Cell. He is requested to issue Hindi version of this order from his end.
- 12) Admn-1 Order Book


Sr. Accounts Officer (Admn)

B. Pur

certified to be the true copy
(B. Purkayastha)
Advocate

10 19- 27
OFFICE OF THE ACCOUNTANT GENERAL (A&E), ASSAM, BELTOLA, GUWAHATI
Admn. Order No. 145

ANNEXURE - II

Dated 25.11.2002-1

In pursuance of the Sr. DAG(A&E), Nagaland's letter No: Admn./A&E/2-8/2000-01/312 dated 8.11.2002, the term of deputation of Sri Biswarup Pukayastha, Sr. Acctt. in the O/o the A.G.(A&E) Assam, Guwahati is hereby extended for a further period of one year w.e.f. from 6.11.2002 to 5.11.2003.

Deputy Accountant General (A & V.L.C.)

Dated 25.11.2002-1

Admn. Order No. 145
Dated 6.11.2001-02/2876-2837

Copy forwarded to :-

1. The Principal Director of Audit, N.E. Railway, Maligaon, Guwahati-11.
2. The A.G.(A&E), Meghalaya, etc Shillong.
3. The A.O. O/o the Sr. DAG(A&E), Nagaland, Kohima for information with ref to his letter No. Admn/A&E/2-8/2000-01/312 dated 8.11.2002. It may be mentioned here that 2nd year term of of Sri Pukayastha, Sr. Acctt. was extended from 2.11.2001 to 1.11.2002 vide your letter no. Admn/A&E/2-8 2000-01/744 dated 7.9.2001. Now 3rd year term of deputation of Sri Pukayastha, Sr. Accountant has been extended from 6.11.2002 to 5.11.2003. There is a discrepancy of 4 days i.e. from 2.11.2002 to 5.11.2002. This may kindly be clarified. On receipt of reply the same may be regularised.
4. The Establishment Officer (M), O/o the A.G.(A&E), Meghalaya, etc. Shillong.
5. The PAO local.
6. The A.A.O, i/c confidential cell.
7. The S.O. i/c Admn. 2.
8. The P.S. to the A.G.(A&E) Assam, Guwahati.
9. S.B. Group.
10. Sri Biswarup Pukayastha, Sr. Accountant.
11. Sr. Hindi Translator, i/c Hindi Cell. He is requested to issue Hindi version of the order from his end.
12. Admn. I. Order book.

Sr. Accounts Officer (A)

Copy to be sent to
Admn. I.
(S. P. S. Ak)
Advocate

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4
ANNEXURE - III

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.

Admn-I Order No. 261

Dated: 23.12.2003

In pursuance of O/O the Sr. DAG (A&E) Nagaland's letter No. Admn/A&E/2-8/98-99/939 dt. 15.12.2003 the term of deputation of Sri Biswarup Purkayastha, Sr. Acctt. in the O/O the AG (A&E) Assam, Guwahati is hereby extended for a further period of one year (4th year) w.e. from 06.11.2003 to 05.11.2004.

Sd/-

Deputy Accountant General (Admn & VLC)

Dated: 23.12.2003

No. Admn-I/Deptn./6-1/2003-04/7548-59

Copy forwarded to:

- 1) The Principal Director of Audit, NE Rly. Maligaon, Guwahati -- 11.
- 2) The AG (A&E) Meghalaya etc., Shillong.
- 3) The Establishment Officer (M), O/O the AG (A&E) Megh. etc., Shillong.
- 4) Sr. A.O. (A), O/O the Sr. DAG (A&E) Nagaland, Kohima for information with reference to his letter No. Admn-A&E/2-8/98-99/939 dt. 15.12.2003.
- 5) The AAO P.O. PAO Local.
- 6) AAO P.O. Admn-II.
- 7) Service Group/Budget Group.
- 8) AAO P.O. Confidential Cell.
- 9) Hindi Cell. He is requested to issue Hindi version of this order from his end.
- 10) Sri Biswarup Purkayastha, Sr. Acctt.
- 11) Private Secretary to the AG (A&E) Assam, Guwahati.
- 12) Admn-I Order Book.

[Signature]
23/12/2003
Sr. Accounts Officer (Admn)

verified to be true copy
[Signature]
27-02-04
[Signature]
Advocate

12

ANNEXURE-~~1~~OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC,
SHILLONG

Estt Order No. 386

Dated: 19-2-2004

The following Sr. Accts of the O/o the Sr. DAG (A&E) Nagaland presently on deputation in the O/o the AG (A&E) Meghalaya, Shillong & AG (A&E) Assam, Guwahati are repatriated to their parent Office with immediate effect:-

- | | |
|-----------------------------|--|
| 1) Sri Biswarup Purkayastha | Sr. Accts. O/o the AG (A&E) Assam, Guwahati. |
| 2) Smti L. Bhowmick | |
| 3) Sri Jyotirmoj Mukherjee | |
| 4) Sri Sanjoy Bhattacharjee | |
| 5) Sri Sanjoy Sinha | O/o the AG (A&E) Meghalaya etc, Shillong. |

The above officials are relieved of their duties in the respective Offices w.e.f. 29-2-2004 A.M for reporting back for duty in the O/o the Sr. DAG (A&E) Kohima, Nagaland.

[Authority:- AG's orders dt. 9-2-04 at pp/25N of the file]

Sd/-

Establishment Officer

Dated 19-2-2004

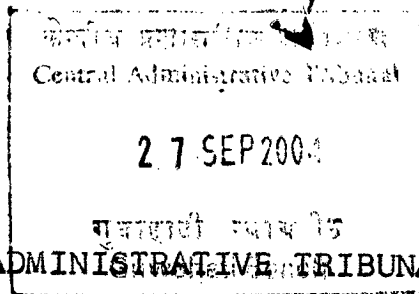
Memo No. Estt-1/8-11/D.S. 2003-04/6336-6349

Copy for information & necessary action to:-

- | | |
|--|---|
| 1. The DAG (Admin) | O/o the AG (A&E) Assam, Maidamgaon, Beltola, Guwahati-29- with a request to release the officials concerned w.e.f. 29-2-04 under intimation to this Office. |
| 2. The Sr. AO /c Admin | |
| 3. The Sr. DAG (A&E) O/o the Sr. DAG (A&E) Kohima, Nagaland. | |
| 4. S.D. Group. | |
| 5. Gradation List | |
| 6. SO Felt-2. | |
| 7. Pay bill Group. | |
| 8. PAO (Local) | |
| 9. AAO Confidential Cell. | |
| 10. PS to AG. | |
| 11. Steno to Sr. DAG (A). | |
| 12. Steno to DAG (AE/VLC) | |
| 13. E.O. Pk. | |
| 14. Persons concerned. | |

[Signature]
15/2/04
Establishment Officer

certified to be true
[Signature]
27-02-04
(B. Pinner) Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

File by the petitioner
Chidambaram
24/09/04
24/09/04
24/09/04

IN THE MATTER OF :

O.A. No. 51 of 2004.

- AND -

IN THE MATTER OF :

Shri Biswarup Purkayastha.

--- APPLICANT.

- VERSUS -

1. The Union of India,
represented by the Secretary to
the Government of India,
Ministry of Finance, New Delhi.
2. The Comptroller and Auditor,
General of India, New Delhi.
3. The Accountant General,
(A & E), Assam, Guwahati.
4. The Accountant General,
(A & E), Meghalaya, Shillong.
5. The Establishment Officer,
office of the Accountant General,
(A & E), Meghalaya etc., Shillong.

--- RESPONDENTS.

- 23 -

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- 2 -

- AND -

IN THE MATTER OF :

Rejoinder of the applicant to the
Written Statement of the Respondents.

The humble applicant submits his rejoinder
as follows :-

1. That with regard to para¹ of the Respondents, the applicant has no comments to offer.
2. That with regard to statements made in paragraph-2 of the Respondent, the Applicant humbly submit¹ that the period of deputation in respect of the Applicant was duly extended by his Cadre Controlling Authority (C.C.A.) i.e. Office of the Sr. Deputy Account General (A & E), Nagaland vide his Letter No. Admn/A & E/2-8-/98-99/939 dt. 23-12-03. (Copy of Annexure-IV enclosed). Further a deputationist can not always be repatriated to his parent department without giving reasonable notice to the lending Min./Deptt. and the employee concerned vide Appendix V para 11 of FRs & SRs (P/464 of FRs and SRs (Edition-tenth edition-reprint 1991)) part 1.
3. That with regard to the statement made in paragraph-3 of the Respondent No. 4, the applicant humbly submits that under the standard term of deputation, when an employee is appointed on

contd... 3

Biswarup Pankajanthra

- 3 -

deputation, his services are replaced at the parent Department at the end of the tenure. However, as and when a situation arises from premature reversion to the parent cadre of the deputationist, his services could be so returned after giving notice to the lending Deptt./Office and of course the employee concerned (Authority : Appendix V, para 11 of the FRs & SRs, Part 1). Therefore, the contention of the Respondent No. 1 that under the standard tenure of deputation, no notice on reasonable opportunity is required to be afforded to the applicant on reversion to his parent organisation is not correct.

4. That with regard to the statement made in paragraphs- 4 & 5 of Respondent, applicant has no connection to offer.

5. That with regard to the statement made in paragraph-6 of the Respondent No. 4, the applicant humbly submit that since he is the borne cadre of office ~~of the~~ ^{of A.C. & E.} Deputy Accountant General (A & E), Nagaland, his Cadre Controlling Authority is not the office of the Accountant General (A & E), Meghalaya, Shillong and the extension period of deputation of the applicant beyond 1-11-2001 was made with the due approval of the office of the Sr. Deputy Accountant General (A & E), Nagaland, vide his letter No. Admn/1/a & E/2-8-/2000-2001/744 dt. 3-10-2001, (Annexure-II) who is the Cadre

Biwan Singh Purokayantho

Controlling Authority of the applicant and accordingly the borrowing Deptt./Office of i.e. Office of the Accountant General (A & E), Assam has extended the deputation period of Applicant on ~~the basis of~~ basis of the concurrence of the office of the Sr. D.A.G. (A & E), Nagaland.

6. That with regard to statement made in paragraph-7 of the Respondent No. 4 the Applicant humbly submits that the action taken by the Respondent No. 4/i.e. the A.G. (A & E), Meghalaya, Shillong is arbitrary and against the principle of natural justice. As the period of deputation beyond 1-11-2001 was duly extended by the borrowing Deptt./office i.e. office of the A.G. (A & E), Assam after obtaining due approval of the Cadre Controlling Authority of the Applicant i.e. office of the Sr. D.A.G. (A & E), Nagaland. Further a deputationist can not be repatriated to his parent Deptt./ office at any time without giving reasonable period of time and prior notice to the deputationist and also the borrowing deptt./office i.e. office of the A.G. (A & E), Assam, Guwahati.

7. That with regard to statement made in paragraph-8 of the Respondent No. 4 the applicant humbly submits that the action of the Respondent No. 4 was not at all correct and justified.

8. That with regard to statement made in

- 5 -

paragraph-9 of the Respondent No. 4, the applicant humbly submits that there is a specific provision in the FRs and SRs which clearly states that a notice has to be given to a deputationist as and when a situation arises for premature repatriation to the parent cadre of the deputationist.

9. That it is relevant to mention here that Cadre Controlling Authority is (Sr. D.A.G.) (A & E), Nagaland, Kohima and not (A & E), Meghalaya.

10. That A.G. (A & E), Meghalaya, Shillong is the (Staff-Strength Controlling Authority) upto the level of Supervisor of A.G. (A & E) of Assam and Meghalaya only.

11. That the applicant's parent's office has no objection to his deputation to the office of the A.G. (A & E), Assam; and every time his deputation term is being extended with the concurrence of his parent office under intimation to A.G., Meghalaya.

12. That besides, there are lot of vacancies in the rank of Sr. Acctt. in the office of A.G. (A & E), Assam. Hence, the A.G. (A & E), Meghalaya has no business whatsoever to interfere in applicant's instant case when his parent Nagaland office is not pressing for his repatriation.

The Accountant General, (A & E), Assam, Guwahati has no objection to his remaining on deputation in Guwahati office.

contd... 6

Biswajit Purkayastha

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13. That the applicant may be allowed to complete his deputation term up to 3-11-04 giving him a liberty to represent his case for a further period of another one year to the Authority beyond 3-11-04.

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

I, Shri Biswarup Purkayastha, son of Late Basanta Kumar Purkayastha, aged about 40 years, resident of Barthakur Mill Road, Ulubari, Guwahati, District- Kamrup (Metro.), Assam, do hereby verify that the contents mentioned in foregoing paragraphs from 1 to 13 are true to my knowledge and belief and that I have not suppressed any material facts.

AND I sign this Verification on this 24th day of September, 2004 at Guwahati.

Place- Guwahati.

Date - 24/9/2004

Biswarup Purkayastha
(Signature of the Applicant)