

FROM No. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERSHEET

Original Application No. 125/06

Misc Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant(s) Guna Ram Kohita & Ors.

Respondants U. O. I & Ors

Advocate for the Applicant(s) Mr. J. L. Sarkar, Mr. S. Tamuli

Advocate for the Respondant(s) case

Notes of the Registry	Date	Order of the Tribunal
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	29.05.2006	Present : Hon'ble Sri K.V. Sachidanandan Vice-Chairman.
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File No. 266/35076/  
Dated 23.5.06

[Signature]  
Dy. Registrar

[Signature]  
26.5.06

The applicants are SOG Examination qualified officers now working as Assistant Audit Officer in Group 'B' cadre. They are borne in the office of the Principal Accountant General (Audit) Assam, Guwahati. There are other offices of Accountants General (Audit) in Meghalaya, Manipur, Tripura and Nagaland States. Vide circulars dated 31.03.2006 and 20.04.2006, a scheme has been circulated separating the cadre of Group 'B' officers in Civil Audit Offices. According to the applicants, the scheme has been formulated on wrong premises that there was common/combined cadre. According to them, in reality there has not been any formal common/combine cadre. They are also stated that the respondents are changing their options from time to time.

Contd.

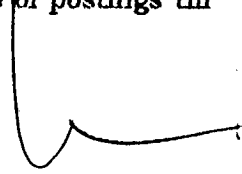
Contd/-

29.05.2006

Heard Dr. J.L. Sarkar, learned counsel for the applicants and Ms. U. Das, learned Addl. C.G.S.C. for the respondents.

When the matter came up for admission hearing, Ms. U. Das, learned Addl. C.G.S.C., for the respondents submitted that there is a common cadre. She also submitted that she would like to take instructions to file reply statement. Let it be done.

Post on 06.06.2006. In the meantime, in the interest of justice, by way of interim order, this Tribunal directs the respondents not to disturb the applicants from their place of postings till the next date.

  
Vice-Chairman

/mb/

*Give copy to both parties by*  
Received for  
DR. J.L. Sarkar.  
by *(S.N. Tamuli)*  
31/5/06

Notice & order  
sent to D/Section  
concerning to  
nos-2 to 7  
of regd. A/D post.  
D/No-56920574  
Dt: 1/6/06.  
5-6-06  
Service report  
attached.  
wh has been  
*my*

-3-  
125/06

Notes of the Registry:      Date      Order of the Tribunal

5-6-06

W/s filed by  
the Respondents.

Received  
Lisho Din  
Addl. chsc  
07/6/06  
fr. J.L. Sarkar  
for 5-6-06

06.06.2006

When the matter came up for hearing, Ms. U. Das, learned Addl. C.G.S.C. for the respondents submitted that she has already filed written statement. Learned counsel for the applicant wanted to file rejoinder.

Considering the urgency of the case, let the case be posted on 14.06.2006. Interim order dated 29.05.2006 shall continue till the next date.



Vice-Chairman

mb

14.6.2006

Dr. J.L. Sarkar, learned counsel for applicants submits that he has submitted rejoinder. Copy has been received by Ms. U. Das, learned Addl. C.G.S.C. Respondents are at liberty to file additional reply affidavit, if necessary.

Let the case be posted on 20.6.2006. Interim order will continue till the next date.



Vice-Chairman

bb

20.06.2006

Post on 27.06.2006. Interim order will continue till the next date.



Vice-Chairman

13-6-06

No. rejoinder has been filed.

21

13.6.06

Rejoinder submitted by the Applicant.

Pri.

Order dt. 14/6/06 issuing to learned advocate's for both the parties.

mb

15/6/06

W/s and rejoinder has been filed.

19.6.06



23.6.06

Additional affidavit  
by The Respondents  
against the Reply.

21.7.2006

Considering the larger issue  
involved in this case, I am of the  
view that the O.A. should be admit-  
ted ~~and the learned counsel~~ and hence  
the O.A. is admitted.

post the case on 24.8.2006

before the Division Bench in the  
hearing list so as to expedite the  
decision on merits.

Vice-Chairman

26.6.06

Reply to the additional  
affidavit by the Respondent  
has been submitted.

bb

09.08.2006

Post on 09.08.2006.

Member

Vice-Chairman

mb

09.08.2006

Post before the next Division  
Bench.

Member

Vice-Chairman

mb

Received  
Shri. Dr.  
Addl. Secy  
26/7/06.

Wks and Reply  
has been filed.

15.03.2007 Present: Hon'ble Shri K.V. Sachidanandan,  
Vice-Chairman

Hon'ble Shri Tarsem Lal,  
Administrative Member.

Heard Dr J.L. Sarkar,  
learned counsel for the applicant for  
sometime. Part heard. Let the case be  
listed on 19.03.07 for further hearing.

Member

Vice-Chairman

nkm

19.03.2007

Heard the learned counsel  
for the parties. Hearing  
concluded. Judgment reserved.

Member

Vice-Chairman

nkm

1.3.07

The case is ready  
for hearing.

The case is ready  
for hearing.

14.3.07.

3.4.07

Copy has been handed over  
to the L/Secy for the Respondent.  
Copy has been collected  
by the applicant.



4

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 125/06

1. a) Name of the Applicant:- G.R. Kolila & Ors
- b) Respondants:- Union of India & Ors
- c) No. of Applicant(S) :-
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed:-Yes/No
7. Whether all the annexure parties are impleaded :-Yes/No.
8. Whether English translation of documents in the Language : Yes/No.
9. Is the application in time :- Yes/No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No
11. Is the application by IFO/DD/For Rs: 5/- -266,350761
12. Has the application is maintainable :- Yes/No.
13. Has the Impugned order original duly attested been filed : Yes/No.
14. Has the legible copies of the annexures duly attested filed:-Yes/No
15. Has the Index of documents been filed all available:- Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No.
20. In case of condonation of delay is filed is it supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-

*The application is in order.*

SECTION OFFICER (J)  
26.5.06

DEPUTY REGISTRAR  
26/05/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A No. 125 /2006

Shri Guna Ram Kalita & Others

-- VS --

Union Of India & Others.

SYNOPSIS

The applicants are SOG Examination qualified officers now working as Assistant Audit Officer in Group 'B' cadre. They are borne in the office of the Principal Accountant General (Audit) Assam, Guwahati. There are other offices of Accountants General (Audit) in Meghalaya, Manipur, Tripura and Nagaland states.

By Circular No. 144-NGE (APP)17-2004 dated 24/03/2006, No.Estt-I/Audit/I-51/2005-06/394 dated 31/03/2006 and Circular No. Estt-I/Audit/I-51/2005-06 dated 20/04/2006 the respondents have circulated a scheme of separation of cadre of Group 'B' officers in Civil Audit offices. The scheme has been formulated on the wrong premises that there was common/combined cadre. In reality there has not been any formal common/combined cadre. Moreover, the scheme called for option and after receiving options brought into play the concept of 'required strength' substituting the 'sanctioned strength' in Para V of the scheme. The term 'required strength' adds to 'vagueness' of the scheme. The scheme of separation of cadre is as such not just and fair and is illegal. The applicants are likely to be very adversely affected by the scheme in the matter of seniority and place of posting. The applicants pray for setting aside and quashing of the scheme of separation of cadre.

Filed by the Applicants  
through Santanu Tamuli  
Advocate

Order 14  
- what is the Cadre  
Base Area?  
- Common Cadre / Combined Cadre  
- options  
- required strength?

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

O.A No. 125 /2006

**Shri Guna Ram Kalita & Others**

-- VS --

**Union Of India & Others.**

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8

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

An application under Section 19 of the A.T Act, 1985

O.A No. **125** /2006

1. *Shri Guna Ram Kalita*
2. *Shri Jishu Bhattacharjee*
3. *Shri Jayanta Ghosh*
4. *Shri Biren Buragohain*
5. *Shri Babul Chandra Das*
6. *Shri Ranajoy Bhattacharjee*
7. *Shri Binoy Kr. Das*
8. *Shri Birinchi Kr. Sarmah*
9. *Shri Swapan Kr. Bose*
10. *Shri Sudipta Dasgupta*
11. *Shri Sebabrata Mazumder*
12. *Shri Biswajit Chowdhury*
13. *Shri Nanigopal Paul*
14. *Shri Shreekant Lal*
15. *Shri Samiran Chakraborty*
16. *Shri Subhash Kumar*
17. *Shri Naba Kumar Bhattacharjee*

Applicants

*Guna Ram Kalita*  
Filed by the Applicant  
Through S. Tamuli  
Advocate

All the applicants are working as Assistant Audit Officer in the Office of the Principal Accountant General (Audit), Assam, Guwahati.

--Versus--

1. Union of India, Represented through Respondent No.2
2. The Comptroller & Auditor General of India,  
10 Bahadur Shah Zafar Marg,  
New Delhi - 110 002.
3. The Principal Accountant General (Audit), Meghalaya, etc., Shillong-1.
4. The Principal Accountant General (Audit), Assam, Guwahati - 29
5. The Accountant General (Audit), Nagaland, Kohima
6. The Accountant General (Audit), Tripura, Agartala
7. The Accountant General (Audit), Manipur, Imphal

-Respondents-

9  
Guna Ram Kalita

*Suma Ram Kalita*

1. **Particulars for which this application is made**

The application is made against the separation of the common cadre of Group 'B' Officers in the A & E and Civil Audit Offices in N.E Region as stated by the respondents in Circular No.144-NGE (APP) 17 - 2004 dated 24.3.2006, and No.Estt-I/Audit/1-51/2005-06/394 dated 31.3.2006, and Circular No.Estt-I/Audit/1-51/2005-06/22 dated 20.4.2006

2. **Jurisdiction**

The applicants declare that the subject matter of the case is within the jurisdiction of this Hon'ble Tribunal

3. **Limitation**

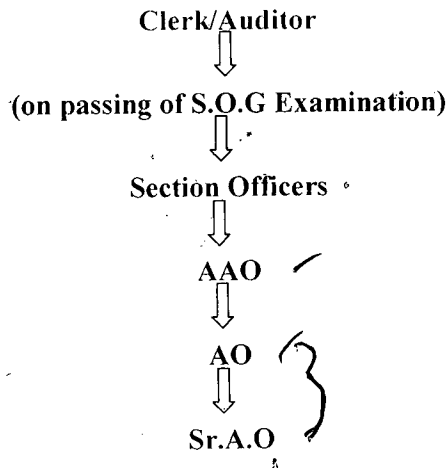
The application is within the period of limitation prescribed by Section 21 of the A.T Act, 1985.

4. **Facts of the Case**

- 4.1 That the applicants are Citizens of India and as such are entitled to the rights and privileges guaranteed by the Constitution of India.
- 4.2 That the applicants are Group 'B' Officers Designated as Assistant Audit Officer (for Short AAOs) posted in the Office of the Principal Accountant General (Audit), Assam, Guwahati. They all have qualified S.O.G Examination, which is basic requirement for Section Officer. They have a common cause of action regarding a scheme of so called separation of cadre of Group 'B' officers and as such pray for the permission to file the Common application under Rule 5(4)(a) of the C.A.T procedure Rules 1987.

- 4.3 That in the N.E region there are Audit Officers under respective Accountant General (Audit) for Assam, Nagaland, Manipur, Tripura, and Meghalaya etc.

The promotional avenue is as under:



It is stated that there have been causes for transfer and posting of personnel in the different cadres in the different offices of the states mentioned above. For this the offices have used different terminologies such as Common Cadre, Combined cadre, base office, etc without defining and coherently delineating the concept of the so called Common Cadre, Combined Cadre and Base Office. Personnel passing S.O.G examination from a particular office are promoted as Section Officer (for short S.O) without reference to seniority in the feeder cadre i.e., Clerk/Auditor. Interse seniority of the feeder cadre officials for promotion as S.O was not made. The term '**Common Cadre**' or '**Combined Cadre**' has therefore been vague concept. The office has circulated a Transfer policy in 1996 which reflects some working arrangement together with D.O Letter dated 8.9.98 (Copy of the Transfer policy of 1996 and letter dated 8.9.98 are enclosed as **Annexure 'A' and 'B' respectively**).

Suman Ran Kalita

+ 1990  
1985  
x

*Luna Ram Khatu*

- 4.4 That the respondents have circulated a scheme for so called separation of cadres for Group 'B' officers without application of mind. The scheme has been published without first completing the basic requirement of formation of distinct cadres. The corrected joint cadre has not been published or circulated in these days of right to information. Without knowledge of joint cadre, separation of cadre remains to be more vague and opens rooms for arbitrariness and favoritism in the matter of transfer/promotion. Moreover, neither the service associations nor the employees have been in any manner associated in framing the so-called scheme of separation. The scheme of the so-called separation of cadre as such does not satisfy the requirement of administrative fairness, fair play and openness and is therefore perverse and vitiated by arbitrariness.
- 4.5 That in terms of C & A G's letter No. 144-NGE (App)/17-2004 dated 24.03-2006 communicated vide circular No. Estt.-1/Audit/1-51/2005-06/394 dated 31-03-2006 of the O/o the Principal Accountant General (Audit), Assam, modalities for separation of common cadre of Group 'B' Officers in A & E and Civil Audit Offices in North Eastern (NE) Region have been framed. As per the above circular, all Group 'B' Officers were to exercise option on or before 17-04-2006 positively for onward transmission to the Cadre Controlling Authority. Subsequently the last date of exercising option were extended up to 26-04-2006 vide Controlling Authorities Circular No..Estt-I/Audit/1-51/2005-06/22 dated.20.4.2006 The option form was also revised suitably vide letter *ibid.*

Copies of letter dated 24.3.2006, 31.3.2006 and 20.4.2006 are enclosed as **Annexure 'C', 'D' and 'E'** respectively.



- 4.6 That after completion of the process of exercising option on 26.04.2006, CAG's office sent clarification vide CAG's letter No. 221-NGE (APP)/17-2004 dated 25-04-2006 regarding **Para V** of the policy of separation of Group 'B' officers earlier circulated replacing the phrase '**SANCTIONED STRENGTH**' by '**REQUIRED STRENGTH**' and clarifying that Sr. A.O./AO/AAO/SO would be treated as four (4) separate cadres for the purpose of allocation and that ratio of 80:20 in cadre of AAO/SO and Sr.A.O./A.O will be maintained in each office while separating these cadres.

*Guna Ram Kalita*

**Copy of letter dated 25.4.2006 is enclosed as Annexure-F**

- 4.7 That the clarification given vide CAG's letter dated 25-04-2006 (received in the o/o the PAG, Audit, Assam on 26.04.2006) were communicated to the General Secretary, Civil Audit Association (AAO's, SOs) vide letter no. Estt-I/Audit/1-51//06-07/498-499 dated 08-05-2006.

**Copy of the letter dated 8.5.2006 is enclosed as Annexure-G**

- 4.8 That previously options were exercised vide (i) Circular No. Estt. -1/Audit/1-01/03-04/275 dated 03-11-2003 as well as (ii) Circular No. Estt. -1/Audit/1-51/03-04/101 dated. 06.07.2004. Option exercised vide Circular dated 3.11.2003 was subsequently cancelled.

**Copy of the letter dated 6.7.2004 enclosed as Annexure-H**

- 4.9 That as per clarification given in Para (ii) of CAG's letter dated 25-04-2006, an Officer who cannot be accommodated to the Office of his choice as per his option exercised, he will be posted on deputation to deficit offices and will remain under the cadre control of the Principal Accountant General (Audit) Meghalaya Shillong

till he is permanently allocated to the office of his choice mentioned in the option form.

- 4.10 That after reorganization of NE Region into different States, Offices of the Accountant General Manipur and Tripura were opened in 1967 in Imphal and Agartala respectively and the office of the accountant General Nagaland, Kohima was opened in 1973. Many office Staff of office of the Accountant General Assam (undivided) which was actually the mother office, had to bear the main brunt of forceful transfer to those newly created offices. All those three A.G. offices in Kohima, Imphal and Agartala acquired the separate identity from their mother office i.e. office of the Accountant General Assam, Meghalaya etc. Shillong w.e.f. 1975 in respect of establishment, budget provision and the recruitment power. Since 1975 Accountant General, Nagaland, Manipur & Tripura recruited their staff (Clerk, Auditor/Accountant) on their own sanctioned strength and budget provision. The Accountant General, Assam, Meghalaya etc. Shillong issued vide letter No. AG/MC/1-1/105 dated. 07-05-81 one scheme of separation of cadres between the office of the Accountant General Assam, Meghalaya etc. Shillong and the offices of the Accountant General, Manipur, Nagaland, and Tripura on the basis of which cadres from Clerk to Supervisor level of the offices of the Accountant General, Nagaland, Manipur & Tripura were separated from the combined cadres of office of the Accountant General Assam Meghalaya etc. Shillong on 01-09-81. But this scheme did not contemplate separation of cadres between the office of the Accountant General Assam and the Accountant General Meghalaya, Mizoram, Arunachal Pradesh at Shillong and the Staff continued to be borne on combined cadre due to the fact that both the offices were stationed at

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Sana Ram Kalita

Shillong at the time of separation of cadres in Sept./1981 with regard to staff of the offices of Nagaland, Manipur and Tripura.

The cadres of Section Officers and above of the offices of the Accountant General Assam, Meghalaya, Nagaland, Tripura and Manipur have been retained, terming as combined cadres calling as common cadre since the opening of the new Accountant General's offices in N.E. Region in 1967 and in 1973. The cadres of section officers and above have been controlled as combined common cadres by one Cadre Controlling Authority i.e. the Principal Accountant General (Audit), Meghalaya etc. Shillong. S.O.G.E. passed candidates from different Accountants General offices were appointed to the post of Section Officer by the cadre controlling authority on the basis of the combined Staff strength of Section Officers/Assistant Audit Officers of all the Accountant General Offices in N.E. Region and transferred and posted to different Accountant General offices in N.E. Region. Clerk, Auditors, Sr. Auditors and others of all Accountants General offices appeared in that S.O.G. Examination by virtue of their incumbency as clerk, auditor & Sr. Auditor in their own parent offices. The successful candidates of S.O.G. Examination are appointed as S.O. and put to so called combined cadre for all Accountants General offices in NE Region. But their seniority is fixed in said combined cadre on the basis of their position as auditor in their respective parent offices with reference to their date of appointment as though they are put to said combined cadre, their legacy of respective parent office (base office) is maintained on the basis of their position as Clerk auditor/Sr. Auditor in their respective parent office. It would be clear that those Section Officers who had passed the S.O.G. Examination from the office of the Accountants General,

*Shillong  
Assam  
Nagaland  
Manipur  
Tripura*

Nagaland, Manipur, Tripura, Meghalaya, etc., and Assam are surely the staff of their own parent offices and transferred and posted to different Accountants General offices in NE Region by the Cadre Controlling Authority for administrative convenience under Para 5.6.1 (1) of C & AG's manual of standing Orders (Admn.) vol-1.

- 4.11 That it would be seen that the criteria brought forward for so called the separation of Group 'B' cadres in the above perspectives on the plea of '**combined cadre**' '**common cadre**' deserve to be considered taking into account the fact that the Group 'B' Officers in NE Region belong to their respective parent offices. The scheme is susceptible to causing undue dislocation of officers from their parent offices.
- 4.12 That as per provision of Para 5.6.1 (i) of CAG's MSO (Administrative) vol-1 (3<sup>rd</sup> Edition), the office of the (i) Accountant General Tripura, (ii) Accountant General Nagaland (iii) Accountant General, Manipur and (iv) Accountant General Assam, Meghalaya etc. should be having their own Section Officers cadre with effect from 01-09-1981 (date of separation of Group 'C' level) which was brought under the so called common cadre system for the purpose of running the deficit offices. It was perhaps due to this reason that the willingness allowed vide Circular No. Estt.-1/Audit/4-8/96-97/1293 dated 13-06-96 to be exercised by the Group 'B' and 'C' staff of the combined o/o the Principal Accountant General (Au.) Assam, Meghalaya for transfer to the newly created o/o the Accountant General (Au) Assam, Guwahati in the year 1997 was limited to the Group B & C staff of that office only barring the other offices of the N.E. Region (viz o/o the A.G Tripura, Nagaland & Manipur).

*Guwahati*

- 4.13 That the distinct individual Section Officer (SO) cadres of the four offices have been brought under the ad-hoc system of the combined cadre for the purpose of running the offices. That the so-called combined cadre has been going on as an ad-hoc measure. Under the so-called combined common cadre system, Officers in the cadres of SO/AAO & AO/Sr. AO are transferred on tenure (18/12 months) basis to the deficit offices who are invariably repatriated to their respective parent (base) offices. This system of repatriation goes to prove that all the Group 'B' officers of the N.E. Region have been having their own parent (base) offices. The CAG's office has also instructed vide letter No. 108-N.2/127-88 dated. 29-02-1990 that Section Officers may be posted in the offices from which they passed the S.O.G. Examination.

*COPY of letter dated 29-02-1990 enclosed as Annexure-I*

- 4.14 That the Group B officers of the o/o the Pr. Accountant General (Au) Assam, have been made to exercise their option within 26-04-2006 as per policy circulated which stipulated vide Para V that if the number of optees for a particular office is less than the sanctioned strength of that office all the optees shall be allocated to that office. The Group 'B' Officers of Guwahati office exercised their option on the understanding that the number of optees for Pr. Accountant General (Au), Assam, Guwahati would be within the sanctioned strength and therefore all of them would be accommodated in their parent office. After the process of exercise of option was completed on 26-04-2006, clarification issued by the CAG's office vide letter dated 25-04-2006 was communicated vide letter dated 08-05-2006 to the Association. As per said clarification, the word 'sanctioned strength' has been replaced by the word 'Required strength'. This action of reversal of a vital clause of the scheme made by way of issue of clarification after exercise of option should

*Guna Ram Kalita*

have been followed by further cancellation of the options so exercised making them invalid.

Para II of the policy paper states that vacancies in combined cadre may be proportionately distributed among all the concerned offices and the existing staffs may be allocated to various offices against their required strength i.e. sanctioned strength minus vacancies proportionately distributed in each cadre.

*Guna Sam Kallu*

As per existing policy as reflected in various reports vacancies of different cadres are determined with reference to the sanctioned strength in respective cadre i.e. vacancy is equal to sanctioned strength minus man-in-position. The adoption of the new term 'required strength' is not in conformity with the existing norms and is therefore without any basis. Adoption of 'required strength' for the purpose of determining vacancies in the offices under so called combined cadre system would lead to incorrect position of vacancies in the offices, causing scope for arbitrariness and favouritism.

If the total number of optees of a particular cadre for a particular office is within the sanctioned strength of that cadre for that office, declaring surplus with reference to required strength would be violative of the existing norm. As per Para IV of the policy paper if sufficient volunteers are not available for posting on deputation basis to the deficit offices the junior most person in excess of required strength in each cadre shall be sent to deficit offices and no willingness will be necessary for the purpose of deputation which is violative of existing norms of deputation as willingness of the incumbent is a prerequisite to be fulfilled. The applicants beg to state that in the circumstances the '**Option**' becomes misnomer.

4.15 That the respondents are working in utter confusion in the matter of forming the cadres (so called common/ combined/ separate cadres) and calling for option from the concerned officers through the scheme dated 24/03/06 circulated on 31/03/06. Without canceling the earlier option exercised vide Circular dated 06/07/2004. Being unaware as to how these option exercised vide CAG's Circular dated 24/03/2006 issued under PAG's Circular dated 31/03/2006 would be dealt with, CAG further confused by canceling options exercised vide Circular dated 24/03/2006 without stating the fate of earlier options exercised vide Circular dated 06/07/2004 and instructed to exercise option in revised option form vide Circular dated 20/04/2006.

The applicants as disciplined officers had to submit the options. Most unfortunately the respondents again were caught in their administrative inexpediency and issued letter dated 8/5/2006 communicating some clarifications from CAG's office. These clarifications, instead of adding to clarity, made more complications in the subject matter of cadre constitution. A new term called "required strength" has been brought into play in para V of the Scheme. The earlier term '**sanctioned strength**' has been substituted by '**required strength**', which is alien in the context of service jurisprudence. After this no fresh option was called for. This "**required strength**" comprehends in disguise the power to exercise arbitrariness according to the will of the office.

4.16 That the General Secretary of the, Civil Audit Association, AAOs/S.Os (Civil) had submitted representation dated 25/4/2006 against the scheme of separation but no reply has yet been received. It is stated that the said Association is recognized under CCS (RSA) Rules, 1993.

19  
Sana Sam Kalia

Copy of the representation is enclosed as Annexure J.

4.17 That the matter of separation of common cadre of NE Offices was discussed on various occasions by the respondents. The applicants have come to know that in the meeting held in CAG's office on 28/11/2003 views were expressed regarding cadre separation, minutes of which were also drawn. The Pr. AG (Audit) Meghalaya, Arunachal Pradesh and Mizoram, Shillong expressed opinion that as per the principles enunciated by the CAG's office for separation of common cadre, keeping a common waiting list to any NE Offices in respect of those junior officials who would not be initially accommodated to the offices of their choice due to non availability of posts would virtually amount to maintaining a hither to existing common cadre since placing them in their offices of choice might take 10-15 years considering the sanctioned strength and options exercised for a particular popular office. He also suggested that before separation of common cadre it would be more appropriate to have the proposed Arunachal Pradesh and Mizoram Audit offices created and options called for those new offices. In the said meeting it was also resolved that option for new Audit offices of Arunachal Pradesh and Mizoram might be called for. The applicants have come to know that such options were not called for.

4.18 That in the circumstances of the case the applicants beg to state that administrative arrangements and orders made so far do not reflect fair administrative policy made for the so called separation of cadres and the orders and circulars in this regard have been issued whimsically and arbitrarily.

*Suggested*

*Amre Kumar Kalita*



*Guwa Ram Kalita*

- 4.19 That there are separate offices under the different Accountant General which are popularly called the base offices but most unfortunately the terms common cadre/combined cadre have been brought into play and ultimately the scheme of separation of cadre has been purported to be implemented.
- 4.20 That the applicants are employees of the Principal Accountant General (Audit) Guwahati which is their base office. The separation of cadre as circulated may jeopardize the posting position, which shall adversely affect them.
- 4.21 That the scheme of separation of cadre as circulated has no rationale and does not fit the situation now prevailing in the Audit Organisation.

## 5. Grounds and Legal Provisions

- 5.1 For that the separation of so called common/combined cadre in disguise opens rooms for erstwhile juniors to become seniors for options.
- 5.2 For that the concept of "**required strength**" is vague and abstract and provides scope for arbitrariness in cadre constitution and arranging person in position.
- 5.3 For that under the scheme of separation of cadre as circulated, persons said to be surplus shall be kept out of their allotted cadre which in other words reverts to the concept of common cadre.
- 5.4 That before arranging the correct seniority of Section Officers in the respective Accountant General's offices on promotion from auditors by fixing interse seniority of SOG Examination qualified auditors each year, it would illegal to act on the options called for which would give a march to erstwhile juniors over their seniors.
- 5.5 For that there has not been any formal common cadre/combined cadre and the concept of '**base office**' and common cadre cannot function together.

- 5.6 For that the so called separation of cadre works on wrong non-existent foundation called common/combined cadre and as such deserves to be set aside and quashed.
- 5.7 For that after exercising of option new concept of 'required strength' has been substituted in Para V of the scheme. This demonstrates whims and arbitrariness. The entire scheme is perverse and violative of Articles 14 and 16 of the Constitution of India and also offending the principles of administrative fair play.

*Guwahati*

**6. Details of Remedies Exhausted:**

There is no remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievances. The Civil Audit Association, AAO's/SO's (Civil) has submitted a representation which is pending with respondents.

**7. Matter not previously filed or pending before any other court.**

The applicants declare that they have not filed any other Original Application in any Tribunal or Court. The applicants have, however, filed miscellaneous petition (M.P. No.47/2006 in O.A. 115/2006) which is pending in this Hon'ble Tribunal. The O.A. No.115/2006 is on similar matter concerning the Group 'B' officers of the office of the Accountant General (Accounts and Entitlement) Assam, Guwahati.

**8. Reliefs sought for:**

Under the facts and circumstances of the case, the applicants pray for the following reliefs.

- 8.1 The scheme of separation of common cadre of Gr. 'B' officers in the Civil Audit Offices in the N.E. Region circulated under circular dated 24/03/2006 (Annexure C) and 31/03/2006 (Annexure C) together with Circular dated 20/04/2006 (Annexure E) be set aside and quashed.

8.2 The applicants shall not be transferred to other offices from the office of the Principal Accountant General (Audit), Assam, Guwahati – 781029 which is their base office.

8.3 Any other relief or reliefs the Hon'ble Tribunal may be pleased to grant.

The above reliefs are prayed for on the grounds stated in Para-5 above.

**9. Interim Relief prayed for:**

During the pendency of this application the applicants pray for the following interim order:

The applicants shall not be transferred/disturbed from their present place of posting at Guwahati which is their base office.

The above reliefs are sought for on the grounds stated in Para 5 above.

**10. This application has been filed through Advocate.**

**11. Particulars of the Postal Order.**

- |                   |                         |
|-------------------|-------------------------|
| (1) IPO No.       | -- 266 350761           |
| (2) Date of Issue | -- 23.5.06              |
| (3) Issued From   | -- Gauwahati University |
| (4) Payable at    | -- G.P.O. Guwahati      |

**12. Enclosures as stated in the index.**

22  
Luna Ram Kalita

VERIFICATION

I, Guna Ram Kalita, Son of Late G.C. Kalita, aged about 50 years working as Assistant Audit Officer in the office of the Principal Accountant General (Audit) Assam, Guwahati do hereby verify that the statements made in paragraphs 1,4,6 to 12 are true to my knowledge and those made in paragraphs 2, 3, and 5 are true to my knowledge as per legal advice. I have been authorized by other petitioners to sign this verification on their behalf which I do accordingly.

Guwahati

Date



Signature



कार्यालय प्रधान महालेखाकार (लेख्य), असम  
OFFICE OF THE  
ACCOUNTANT GENERAL A.S. (A), ASSAM

POLICY FOR TRANSFER / POSTING OF COMMON CADRE OFFICES IN THE  
NORTH EASTERN REGION.

As per Headquarter office letter no.103/ N2/ 127-88 dated 23-02-90 as far as possible the Section Officers Grade Examination passed staff of Accounts and Entitlement offices in N. E. Region on their promotion to Section Officers are to be posted in the offices from which they passed the above examination.

2. As per Headquarter office letter no 1354-NGE/ APP/ 94-95 dated 01-10-96 the AAOs/ AOs/ Sr AOs are to be posted to the offices of their choice as per as possible. If however, it is not possible to post them to the office of their choice they are posted to other offices on rotation basis for a specific period.

3. The tenure of posting in the outstation deficit offices for the first and second time for SOs / AAOs is 18 months as per-agreement held on 11-04-1974 between the Association and the Accountant General.

4. On review the aforesaid policy, it is further decided that the tenure of posting for AAOs/AOs in the outstation offices for the second time and above will be one year subject to the condition that the officers can avail of regular leave of 30 (Thirty) days only. Leave availed in excess of 30 (Thirty) days will be added to the tenure of 12 months.

5. The Common cadre officers who have never served at outstation offices may be transferred subject of course to the item (2) above, first from the bottom of the seniority list of that office.

6. The officers who have never served at outstation offices in their respective cadres after being posted back to their base offices have remained in their base office for the longest period may be selected first in order of station seniority for posting to outstation in order to facilitate smooth repatriation of their colleagues.

7. When batch of officer in a particular cadre rejoins their base office on the same day completing 1<sup>st</sup> / 2<sup>nd</sup> time transfer, the junior most officer from such batch may be taken up for 2<sup>nd</sup> / 3<sup>rd</sup> transfer, if any..

8., The officers who are due to retire within two years may be exempted from the aforesaid transferred liabilities.

9. Posting of a particular Common Cadre officer to an outstation offices may be kept in abeyance in case of unforeseen incidents like sudden accident, demise of a family members, illness or urgent administrative reasons.

[Authority: AG,s orders dated 22-03-2000 at p/ 12n and p/34c of file no.DAG(A)/Con-C/Ghy/Policy /transfer/96]

Sd/

DAG (A)

Attested  
(Adv)

CONFIDENTIAL

D.O. No.DAG(A)/Con-C/

Dated Guwahati, September 08,1998.

Dear,

I would like to draw your attention to the issue of timely repatriation of Sr. A.Os/A.Os/A.A.Os/S.Os to their parent offices after completion of their tenure of 18 months/12 months. As you are aware, from the level of Section Officers onwards, there is a common cadre for transfer and posting.

To streamline the whole process as well as to remove any perceived inconsistencies I propose to adopt the following policy for transfer/posting of Common Cadre officers in the North Eastern Region:

- (1) The officials passing S.O.G. Examination in N.E. Region will be posted in the offices from which they passed the said Examination, as far as possible.
- (2) The tenure of posting in the outstation deficit offices for the first and second time for S.Os/AAOs will remain 18 months as per existing policy.
- (3) The tenure of posting for Sr. A.Os/A.Os in the outstation offices for the second time and above will be one year subject to the condition that the officer will avail of regular leave of 30 days on leave. Leave avail in excess of 30 days will be added to the tenure of 12 months.
- (4) The common cadre officers who have already served at outstation offices may be transferred first from the bottom of the seniority list of that office on the time presently in vogue.
- (5) The officers who have already served once at outstation offices in their respective cadre and after being posted back to their base offices have remained in their base office for the longest period may be picked up first in order of seniority for posting to outstation offices in order to facilitate smooth repatriation of their colleagues.
- (6) When a batch of officers in a particular cadre rejoins their base office on the same day after completing 1<sup>st</sup>/2<sup>nd</sup> time transfer, the junior most officer from such a batch may be picked up for 2<sup>nd</sup>/3<sup>rd</sup> time transfer, if any.
- (7) Officers who are due to retire within two years may be exempted from the aforesaid transfer liabilities.
- (8) Posting of a particular common cadre, officer to an outstation office may be kept in <sup>advance</sup> ~~advance~~ in case of unforeseen incidence like sudden accident, demise of family members, serious illness or for urgent administrative reason.

I would request you to kindly convey to us your comments if any, on the above modalities of transfer/posting of common cadre officers at your earliest so that a workable policy can be framed at this end.

Yours sincerely,

Sd/-

1. Shri Sword Vashum,  
Accountant General (A&E),  
Meghalaya, Mizoram, etc.,  
Shillong.

Attested  
(Sd/-)  
(Adv)

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM,  
MAIDAMGAON, BELLOLA, GUWAHATI-29.

Circular No. Estt.I/Audit/1-51/2005-06/394

Dated: 31.03.2006

CIRCULAR

**Subject:** *Separation of Common Cadre of Group 'B' officers in the Civil Audit Offices in North East Region.*

Consequent upon Headquarter's Office decision to separate the common cadre of Group 'B' officers in the Civil Audit offices in North East Region, the Principal Accountant General (Audit), Meghalaya etc., Shillong being the Cadre Controlling Authority has invited fresh option in the prescribed "Form of Option" from all the Group 'B' officers of this office (except Commercial Officers).

In view of above, all the incumbents in Group 'B' posts (from Section Officer to Sr. Audit Officer except Commercial Officers) of this office born on common cadre are hereby requested to exercise their option and submit to Estt-1 Section on or before 17.04.2006 positively for onward transmission to Cadre Controlling Authority.

In this connection, the following documents on the subject are enclosed for information and necessary guidance of concerned officers: -

**Enclo:**

1. Letter No. Estt.I/Audit/12-31/2005-06/05-08 dated 27.03.2006 of Pr. Accountant General (Audit), Meghalaya, etc., Shillong.
2. C&AG's letter No. 144-NGE(ATP)/1-2004 dated 24.03.2006.
3. FORM OF OPTION.
4. Policy for Separation of Common Cadre of Group 'B' officers in the A&E and Civil Audit Offices in N.E. Region.
5. Copy of Sanction Strength of Gr. 'B' Officers of different Audit Offices in N.E. Region.

**Authority:** Pr. Accountant General's orders dated 31-03-2006.

Sd/-

Dy. Accountant General (A&W)

Memo No. Estt.I/Audit/1-51/2005-06/4101-67

Dated: 31.03.2006

Copy forwarded for information and necessary action to:-

- |  |   |   |
|--|---|---|
| <ol style="list-style-type: none"> <li>1. The D.A.G. (A&amp;W)</li> <li>2. The D.A.G. (I/C &amp; C.A)</li> <li>3. The Secretary to the Pr. Accountant General (Audit), Assam</li> <li>4. All Branch Officers</li> <li>5. All Group 'B' Officers (S.Os to Sr. A.Os except Com. Officer)</li> <li>6. All Section</li> <li>7. All Notice Board</li> </ol> | } | <p>They are requested to bring the contents of the circular to the Notice of all Group 'B' Officers deployed in field duty with the instruction to collect the "Option Form" personally and submit the same within the stipulated date to Estt.I Section.</p> |
|--|---|---|

Sr. Audit Officer (Admin)

Attested  
(Signature)  
(Date)

OFFICE OF THE PR. ACCOUNTANT GENERAL (AUDIT) MEGHALAYA,  
ARUNACHAL PRADESH AND MIZORAM, SHILLONG-793 001.

No: Estt.1/Audit/12-31/2005-06/05-08

Dated: 27-03-2006

To

1. The Pr. Accountant General (Audit),  
Assam, Maidamgaon,  
Beltola, Guwahati-29.
2. The Accountant General (Audit),  
Tripura, Agartala.
3. The Accountant General (Audit),  
Nagaland, Kohima.
4. The Accountant General (Audit),  
Manipur, Imphal.

Subject: Separation of Common cadre of Group 'B' Officers.

Sir,

As directed, a copy of Headquarters letter No.144-NGE(App)/17-2004 dated 24<sup>th</sup> March 2006 regarding separation of common cadre of Group 'B' Officers in NE Regions with all enclosures is forwarded for your information and necessary action. As directed by Headquarters office fresh options in the enclosed format from all the Group 'B' Officers of your office may please be obtained and forwarded to this Office on or before the 20<sup>th</sup> April 2006 for further necessary action.

Yours faithfully,

Encl: As above.

Sd/-

Sr. Deputy Accountant General (Admn.)

Attested  
(Signature)  
(Adv)



Annexure (Contd.)  
98

OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA,  
10, BAHADURSHAH ZAFAR MARG, NEW DELHI-110 002.

No: 144-NGE(App)/17-2004

Dated: 24.03.2006

To

The Pr. Accountant General (Audit),  
Meghalaya, etc.,  
Shillong.

Sub:-

Separation of common cadre of Group 'B' Officers in the A&E and  
Civil Audit Offices in North East Region.

Sir,

I am to forward herewith the policy for separation of common cadre of Group 'B' officers in the A&E and Civil Audit offices in North East Region alongwith a format of option form. It is requested that fresh options may be obtained from all the existing Group 'B' officers belonging to common cadre under your cadre control for permanent transfer to the Civil Audit offices in North East Region intimating them the cadre strength of each office and they may be allotted to the concerned offices on the basis of their seniority-cum-options exercised by them as per instruction contained in para 3 of the policy.

2. The junior officers in each cadre who are not likely to be accommodated in the concerned offices as per options exercised by them may be posted on deputation basis to the deficit offices as per instructions contained in para 4 of the policy.

3. The action taken report should be sent to us by 15-05-2006. We intend to have the separated cadres in place as on 01-06-2006.

4. Caveat in the appropriate courts of judicature may be filed in consultation with your standing counsels.

Yours faithfully,

Encl: As above.

Sd/-  
(Manish Kumar)  
Assistant Comptroller and  
Auditor General (N)

Attested  
(Signature)  
(Adv)

29

**Policy for separation of common cadre of Group 'B' officers  
in the A&E and Civil Audit Offices in N.E. Region.**

- I One time option for allocation to a particular office may be called for from the existing Group 'B' officers belonging to common cadre by the present cadre controlling authorities i.e. PAG (Audit) Meghalaya etc., Shillong and AG (A&E) Assam, Guwahati. The optees shall be required to indicate their preference.
- II Vacancies in combined cadre may be proportionately distributed among all the concerned offices and the existing staff may be allocated to various offices against the required strength i.e. sanctioned strength minus vacancies proportionately distributed in each cadre.
- III Permanent posting of Group 'B' officers of common cadre against the required strength of various Civil Audit/A&E offices shall be made by the respective cadre controlling authorities strictly on the basis of the seniority of the officers, who have exercised their option for allocation to such offices, irrespective of their base office.
- IV If the number of optees for a particular office is more than the required strength of that office, the excess persons in each cadre (SAO/AO/AAO/SO), who can not be accommodated in the office of their preference against the required strength of that office as per their seniority, shall be posted on deputation basis to the office viz. deficit offices. If sufficient volunteers are not available for such posting on deputation basis, the junior most persons in excess of required strength in each cadre shall be sent to deficit office on deputation basis. No willingness shall be necessary for this purpose but deputation allowance shall be payable. However, they may be asked to give their preference for such posting mentioning the names of deficit offices and as far as possible they may be posted to such deficit offices on the basis of their seniority and preference given by them for this purpose. These persons shall be posted to the office of their choice on the basis of their seniority on availability of subsequent vacancies against the required strength in such offices. The surplus optees shall also form part of the cadre of their office for which option was exercised by them.
- V If the number of optees for a particular office is less than the sanctioned strength of that office all the optees shall be allocated to that office. The remaining vacancies shall be filled up by deputation of surplus optees as per guidelines laid down at IV above. The vacancies arising due to repatriation of the deputationists to the office of their choice will be filled up by the concerned offices as per provisions contained in the Recruitment Rules for the concerned posts.
- VI The promotions to Group 'B' posts after the separation of cadre shall be made by the concerned offices from amongst the eligible officers of their office. However, in surplus offices no further promotion will be made till all the surplus optees posted to deficit offices on deputation basis are accommodated in these offices.
- VII Direct recruitment will be done in the deficit offices only against the requisition already placed/to be placed to Staff Selection Commission.

Attested  
(Adv)

Sanctioned Strength of S.R.A.Os/A.Os and AAOs/Sos in N.E. Region.  
(other than Commercial Officers)

Name of the Office	Sanctioned Strength	Sanctioned Strength
	SR.AO/AO	AAOs/Sos
Shillong	20+8	37+13
Guwahati	42+9	113+17
Agartala	12+4	30+8
Imphal	13+3	15+4
Kohima	6+3	18+5
Total	93+27	213+47

Attested  
  
(Adv)

## FORM OF OPTION

In the event of separation of existing common cadre for Group 'B' posts of (Sr.AO/AO/AAO/SO) of the civil Audit offices of the Indian Audit & Accounts Department located in the North East, I Shri/Smt./Ms. ....  
 ..... working in the Office of the .....  
 ..... as ..... (designation), knowing fully that the option so exercised shall be final and no further change in the above option shall be allowed in any case, do hereby opt to be finally allocated to the following office(s) in order of preference:-

1. Office of the .....
2. Office of the .....
3. Office of the .....
4. Office of the .....
5. Office of the .....
6. Office of the .....
7. Office of the .....

Date : .....

Station: .....

Name.....

Designation.....

O/o the .....

Employee No. ....

Attested  
 (Signature)  
 (Adv)

Sr. Audit Officer (Admn.)

**OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM,  
MAIDAMGAON, BELLAOLA, GUWAHATI-29.**

Circular No. Estt.I/Audit/1-51/2005-06/394

Dated: 31.03.2006

C I R C U L A R

**Subject:** *Separation of Common Cadre of Group 'B' officers in the Civil Audit Offices in North East Region.*

Consequent upon Headquarter's Office decision to separate the common cadre of Group 'B' officers in the Civil Audit offices in North East Region, the Principal Accountant General (Audit), Meghalaya etc., Shillong being the Cadre Controlling Authority has invited fresh option in the prescribed "Form of Option" from all the Group 'B' officers of this office (except Commercial Officers).

In view of above, all the incumbents in Group 'B' posts (from Section Officer to Sr. Audit Officer except Commercial Officers) of this office born on common cadre are hereby requested to exercise their option and submit to Estt-1 Section on or before 17.04.2006 positively for onward transmission to Cadre Controlling Authority.

In this connection, the following documents on the subject are enclosed for information and necessary guidance of the concerned officers: -

Enclo:

1. Letter No. Estt.I/Audit/12-31/2005-06/05-08 dated 27.03.2006 of Pr. Accountant General (Audit), Meghalaya, etc., Shillong.
2. C&AG's letter No. 144-NGE(Adm)/1-2004 dated 24.03.2006.
3. FORM OF OPTION.
4. Policy for Separation of Common Cadre of Group 'B' officers in the A&E and Civil Audit Offices in N.E. Region.
5. Copy of Sanction Strength of Gr. 'B' Officers of different Audit Offices in N.E. Region.

Authority: Pr. Accountant General's orders dated 31-03-2006.

Sd/-

Dy. Accountant General (A&amp;W)

Memo No. Estt.I/Audit/1-51/2005-06/4101-67

Dated: 31.03.2006

Copy forwarded for information and necessary action to:-

- |   |   |   |
|---|---|---|
| <ol style="list-style-type: none"> <li>1. The D.A.G. (A&amp;W)</li> <li>2. The D.A.G. (I/C &amp; C.A)</li> <li>3. The Secretary to the Pr. Accountant General (Audit), Assam</li> <li>4. All Branch Officers</li> <li>5. All Group 'B' Officers (J.Os &amp; Sr. J.Os except Com. Officer)</li> <li>6. All Section</li> <li>7. All Notice Board</li> </ol> | } | <p>They are requested to bring the contents of the circular to the Notice of all Group 'B' Officers deployed in field duty with the instruction to collect the "Option Form" personally and submit the same within the stipulated date to Estt.I Section.</p> |
|---|---|---|

*Attested*  
*(Adv)*

*W. B. Singh*  
Sr. Audit Officer (Admn.)

OFFICE OF THE PR. ACCOUNTANT GENERAL (AUDIT) MEGHALAYA,  
ARUNACHAL PRADESH AND MIZORAM, SHILLONG-793 001.

No: Estt.1/Audit/12-31/2005-06/05-08

Dated: 27-03-2006

To

1. The Pr. Accountant General (Audit),  
Assam, Maidamgaon,  
Belitola, Guwahati-29.
2. The Accountant General (Audit),  
Tripura, Agartala.
3. The Accountant General (Audit),  
Nagaland, Kohima.
4. The Accountant General (Audit),  
Manipur, Imphal.

Subject: Separation of Common cadre of Group 'B' Officers.

Sir,

As directed, a copy of Headquarters letter No.144-NGE(App)/17-2004 dated 24<sup>th</sup> March 2006 regarding separation of common cadre of Group 'B' Officers in NE Regions with all enclosures is forwarded for your information and necessary action. As directed by Headquarters office fresh options in the enclosed format from all the Group 'B' Officers of your office may please be obtained and forwarded to this Office on or before the 20<sup>th</sup> April 2006 for further necessary action.

Yours faithfully,

Encl: As above.

Sd/-

Sr. Deputy Accountant General (Admin.)

Attested  
(An V)

**OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA,  
10, BAHADURSHAH ZAFAR MARG, NEW DELHI-110 002.**

No: 144-NGE(App)/17-2004

Dated: 24.03.2006

To: The Pr. Accountant General (Audit),  
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Sub:- Separation of common cadre of Group 'B' Officers in the A&E and  
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2. The junior officers in each cadre who are not likely to be accommodated in the concerned offices as per options exercised by them may be posted on deputation basis to the deficit offices as per instructions contained in para 4 of the policy.

3. The action taken report should be sent to us by 15-05-2006. We intend to have the separated cadres in place as on 01-06-2006.

4. Caveat in the appropriate courts of judicature may be filed in consultation with your standing counsels.

Yours faithfully,

Encl: As above.

*Attested*  
*(Signature)*  
*(Adv)*

Sd/-  
(Manish Kumar)  
Assistant Comptroller and  
Auditor General (N)

Policy for separation of common cadre of Group 'B' officers  
in the A&E and Civil Audit Offices in N.E. Region.

- I One time option for allocation to a particular office may be called for from the existing Group 'B' officers belonging to common cadre by the present cadre controlling authorities i.e. PAG (Audit) Meghalaya etc., Shillong and AG (A&E) Assam, Guwahati. The optees shall be required to indicate their preference.
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- IV If the number of optees for a particular office is more than the required strength of that office, the excess persons in each cadre (SAO/AO/AAO/SO), who can not be accommodated in the office of their preference against the required strength of that office as per their seniority, shall be posted on deputation basis to the office viz. deficit offices. If sufficient volunteers are not available for such posting on deputation basis, the junior most persons in excess of required strength in each cadre shall be sent to deficit office on deputation basis. No willingness shall be necessary for this purpose but deputation allowance shall be payable. However, they may be asked to give their preference for such posting mentioning the names of deficit offices and as far as possible they may be posted to such deficit offices on the basis of their seniority and preference given by them for this purpose. These persons shall be posted to the office of their choice on the basis of their seniority on availability of subsequent vacancies against the required strength in such offices. The surplus optees shall also form part of the cadre of their office for which option was exercised by them.
- V If the number of optees for a particular office is less than the sanctioned strength of that office all the optees shall be allocated to that office. The remaining vacancies shall be filled up by the surplus optees as per guidelines laid down at IV above. The vacancies arising due to repatriation of the deputationists to the office of their choice will be filled up by the concerned offices as per provisions contained in the Recruitment Rules for the concerned posts.
- VI The promotions to Group 'B' posts after the separation of cadre shall be made by the concerned offices from amongst the eligible officers of their office. However, in surplus offices no further promotion will be made till all the surplus optees posted to deficit offices on deputation basis are accommodated in these offices.
- VII Direct recruitment will be done in the deficit offices only against the requisition already placed/to be placed to Staff Selection Commission.

Attested  
(Signature)  
(Ady)



Sanctioned Strength of S.R.A.Os/A.Os and AAOs/Sos in N.E. Region.  
(other than Commercial Officers)

Name of the Office	Sanctioned Strength	Sanctioned Strength
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Guwahati	42+9	113+17
Agartala	12+4	30+8
Imphal	13+3	15+4
Kohima	6+3	18+5
<b>Total</b>	<b>93+27</b>	<b>213+47</b>

Attested  
By  
(Adv)

FORM OF OPTION

In the event of separation of existing common cadre for Group 'B' posts of (Sr.AO/AO/AAO/SO) of the civil Audit offices of the Indian Audit & Accounts Department located in the North East, I Shri/Smt./Ms. .... working in the Office of the ..... as ..... (designation), knowing fully that the option so exercised shall be final and no further change in the above option shall be allowed in any case, do hereby opt to be finally allocated to the following office(s) in order of preference:-

1. Office of the .....
2. Office of the .....
3. Office of the .....
4. Office of the .....
5. Office of the .....
6. Office of the .....
7. Office of the .....

Date : .....

Station: .....

Name.....

Designation.....

O/o the .....

Employee No. ....

Attested  
(Signature)  
(A/V)

Sr. Audit Officer (Admn.)

19 ✓ E

38

कार्यालय प्रधान महालेखाकार (लेखापरीक्षा), असम, बेलतला, गुवाहाटी-29  
OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI-29.

Circular No. Estt.I/Audit/1-51/2005-06/22

Dated: 20.4.06

CIRCULAR

**Subject:** Separation of Common Cadre of Group 'B' officers in the Civil Audit Offices in North East Region.

In partial modification of this Office Circular No. Estt.I/Audit/1-51/2005-06/394 dated 31-03-2006 and in view of Headquarter's clarification and Revised "Option Form" forwarded by the Principal Accountant General (Audit) Meghalaya, etc., Shillong under letter No.Esst-1/Audit/12-31/2005-06/504, dt.19-04-2006, the last date for exercising options on the subject cited above in the revised "Option Form" is extended upto 28-04-2006.

All the Group 'B' Officers (from Sr.A.O. to S.O. except Commercial Officers) are hereby requested to furnish the fresh options in the revised "OPTION FORM" to Estt-I Section on or before 26-04-2006 positively for onward submission to Shillong Office within the stipulated date i.e. 28-04-2006.

The previous option exercised in compliance of this office Circular No. Estt-1/Audit/1-51/2005-06/394 dated 31-03-2006 may be treated as cancelled.

In this connection, the following documents on the subject are enclosed for information and necessary action.

1. C&AG's letter No. 191-NGE(APP)/17-2004 dated 13.04.2006.
2. Revised "FORM OF OPTION".

This issues with the approval of Principal Accountant General.

Shahy.. 20/4/06  
Deputy Accountant General (A&W)

Memo No. Estt.I/Audit/1-51/2005-06/220-226

Dated: 20.4.06

Copy forwarded for information and necessary action to :-

1. The D.A.G. (A&W)
2. The D.A.G. (I/C & C.A)
3. The Secretary to the Pr. Accountant General (Audit), Assam
4. All Branch Officers
5. All Group 'B' Officers (S.Os to Sr. A.Os except Com. Officer)
6. All Section
7. All Notice Board

They are requested to bring the contents of the circular to the Notice of all Group 'B' Officers deployed in field duty with the instruction to collect the "Option Form" personally and submit the same within the stipulated date to Estt.I Section.

*Refd to Shillong*

*Refd to Shillong*

Attested  
(Signature)  
(A&W)

Mouh  
Sr. Audit Officer (Admn.)

-33-

Annexure - E (copy)

17/4/06

A.O./A&amp;E Assam

D.O. No. 281

Date 17-4-06

- 45

To

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

Subject: Separation of Group 'B' cadres in A&E offices of N.E. Region.

Sir,

I am to refer to your D.O. letter No. AG/Sep/Group 'B'/2006/02 dated 07.04.2006 on the subject mentioned above and to furnish below the clarification sought for therein:-

- (i) The actual sanctioned strength of Group 'B' officers for the newly created offices of Mizoram and Arunachal Pradesh is being intimated by BRS wing of this office separately. No additional post is being created for the present.
- (ii) Sr.A.O., AO, AAO and S.O. will be treated four separate cadres and ratio of 80:20 in Sr.A.O./AO and AAO/SO will be maintained while separating these cadres.
- (iii) A copy of revised option form is enclosed.
- (iv) An officer who has given preference for more than one office for permanent allocation will be considered for permanent allocation as per his seniority and option exercised by him. If he cannot be accommodated to the office mentioned at Sl. No. 1 of the option form he will be considered for permanent allocation to the office mentioned at Sl. No. 2 and so on. If however he cannot be accommodated to any of the above offices as per his seniority he will be posted on deputation to the deficit office(s) till he is finally allocated to any of the office mentioned in the option.
- (v) It has already been made clear in the policy for separation of cadres that final allocation of Group 'B' offices belonging to common cadres shall be made strictly on the basis of their seniority-cum-option exercised by them irrespective of their base office.

Yours faithfully,

(R. Ambalavanan)  
Asstt. Comptroller &  
Auditor General (N)

No.191-NGE(App.)17-2004

dated 13-04-2006

Copy alongwith a copy of the AG(A&E) Assam, Guwahati D.O. letter dated 07-04-2006 is forwarded to the PAG(Audit), Meghalaya etc., Shillong for information.

(R. Ambalavanan)  
Asstt. Comptroller &  
Auditor General (N)

Attested  
(Adv)

FORM OF OPTION

20

In the event of separation of existing common cadre for Group 'B' posts of (Sr.AO/AO/AAO/SO) of the civil Audit offices of the Indian Audit & Accounts Department located in the North East, I Shri/Smt./Ms. .... working in the Office of the ..... as ..... (designation), knowing fully that the option so exercised shall be final and no further change in the option shall be allowed in any case, do hereby opt to be finally allocated to the following office(s) in order of preference:-

1. Office of the .....
2. Office of the ..... and so on.

Date : .....

Station: .....

Signature.....

Name.....

Designation.....

O/o the .....

Employee No. ....

Attested  
(Signature)  
(ANV)



प्रधान मंत्री कार्यालय (निर्वाह विभाग) का सचिव  
Pr. Acc. Secy. General (Admin) Secretary  
Diary No. 2268  
दिनांक / Date 22.04.06  
To

भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय  
OFFICE OF THE COMPTROLLER  
AND AUDITOR GENERAL OF INDIA

दिनांक  
Date

25.04.2006

The Accountant General (Audit),  
Tripura,  
Agartala

Subject: Separation of Group 'B' cadres in offices of the N.E. region.  
Sir,

I am directed to invite a reference to your office letter No. Estt(Au)/1-49/2006-07/80 dated 12-04-2006 on the above mentioned subject and to furnish below the clarification sought for therein:-

- (i) In first line of para V of the policy for separation of Group 'B' cadre the word "sanctioned strength" may be read as "required strength".
- (ii) An officer, who has given preference for more than one office for permanent allocation, will be considered for permanent allocation as per his seniority and option exercised by him. If he can not be accommodated to the office of his first choice he will be considered for permanent allocation to the office mentioned at Sl. No. 2 and so on. If however he can not be accommodated to any of the these offices as per his seniority and option he will remain under the cadre control of the PAG (Audit), Meghalaya, Shillong and posted on deputation to the deficit office(s) till he is permanently allocated to any of the offices mentioned in the option against the subsequent vacancy arising in the concerned office (s).
- (iii) Once the officer is permanently allocated to the office of his first or subsequent choice in the option form, such allocation is final and no further change will be allowed.
- (iv) As no further promotion will be made in surplus offices till all surplus/optees posted on deputation to deficit offices are accommodated, the concerned surplus offices will accommodate their surplus optees against subsequent vacancies.
- (v) Sr.A.O, AO, AAO and SO will be treated four separate cadres for the purpose of allocation and the ratio of 80:20 in Sr.A.O./AO and AAO/SO will be maintained in each office while separating these cadres.
- (vi) The sanctioned strength and PIP for the newly created offices of Mizoram and Arunachal Pradesh is being intimated by BRS wing of this office. No additional post is being created for the present.
- (vii) The officers who are presently on deputation to other offices will be allocated to the offices as per their seniority-cum-preference. They will be repatriated from the borrowing office(s) to their allocated office subject to availability of vacancy in that office. No supernumerary post will be created in any office.

Attested  
(Signature)  
(Adu)

10, बहादुरशाह जफर मार्ग, नई दिल्ली-110002  
10, Bahadur Shah Zafar Marg, New Delhi-110002

(Signature)

- 36 -

Annexure - F (contd.)  
1002/006  
128

(viii) The sanctioned strength minus existing vacancies proportionately distributed in each cadre is the required strength for the purpose of separation of cadre. No additional post is being created for the present.

Yours faithfully,  
-Sd/-

(ASHUTOSH JOSHI)  
Assistant Comptroller and  
Auditor General (N)

Endo. No. 222 -NGE(App)/4-2006

Dated 24.04.2006

Copy along with a copy of the AG(Audit), Tripura, Agartala letter dated 12.4.2006 is forwarded for information and necessary action to:

- ✓ 1. The Pr.AG (Audit), Meghalaya, Shillong-793 001
- ✓ 2. The AG(A&E), Assam, Guwahati-781 029
- ✓ 3. The AG(Audit), Assam, Guwahati-781 029 with reference to serial No.10 of the AG's letter dated 12.4.06.
4. Director (Direct Taxes) at Headquarter with reference to serial No.10 of the AG's letter dated 12.4.06.
5. Director (Indirect Taxes) at Headquarter with reference to serial No.10 of the AG's letter dated 12.4.06.

*As per*  
(ASHUTOSH JOSHI)  
Assistant Comptroller and  
Auditor General (N)

Attested  
(*Signature*)  
(Adv)

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT),  
ASSAM, MAIDAMGAON, BELTOLA, GUWAHATI-29.

No. Estt./Au/1-51/06-07/498-499

Dated: 8<sup>th</sup> May '2006

To,

The General Secretary,  
✓ Civil Audit Association, AAOs/SOs /  
Civil Audit Association Group 'C' & 'D',  
O/o the Pr. A.G. (Audit), Assam, Guwahati-29.

Sub: Separation of common cadre of Group 'B', 'C' & 'D' staff in  
the Civil Audit Offices in N.E. Region.


Sir,

I am to forward herewith Headquater letter no. 1722/BRS/15-2006 dtd 27<sup>th</sup> April '2006 along with redistributed sanctioned strength and P.I.P. between office of the A.G.(Au) Meghalaya/Arunachal Pradesh/Mizoram and Headquater's letter no. 221-NGE(APP)/17-2004 dtd. 25<sup>th</sup> April '2006 regarding clarifications sought for on the subject cited above for your information.

This issues with the approval of Principal Accountant General.

Yours faithfully,

  
Senior Audit Officer (Admn.)

Attested  
  
(Adv)



FAX

38-13

No. 1723 BRS/75-2005 0001-002

Annexure (contd.)

भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय  
OFFICE OF THE COMPTROLLER  
AND AUDITOR GENERAL OF INDIA

दिनांक  
Date

To

The Pr. Accountant General (Audit),  
Meghalaya,  
Shillong.

Subject: Separation of common cadre of Group B officers in the Civil Audit offices in  
North East Region.

Sir,

I am directed to invite reference to your office letter no. Estt-I/Audit/13-11/2006-2007/03 dated 28.3.06 on the above cited subject. The new sanctioned strength and Persons-in-position for the three offices viz. Meghalaya, Arunachal Pradesh and Mizoram has been fixed as per the statement enclosed. The redistributed sanctioned strength may please be noted in your office records and the staff and officers may accordingly be posted in each office at the earliest.

Yours faithfully,

(LALIT KUMAR)  
Administrative Officer (BRS)

No. 1723 BRS/75-2005

Copy for information and necessary action to.

1. AG (Audit), Arunachal Pradesh
2. AG (Audit), Mizoram
3. Sr. AO, NGE (Apptt)
4. PS to PD (Staff)

27.3.2006

Administrative Officer (BRS)

10, बहादुरशाह जफर मार्ग, नई दिल्ली-110002  
10, Bahadur Shah Zafar Marg, New Delhi-110002

A.A.O/ENH-1

27/4  
27/4

Attested  
(Signature)  
(Date)

5

Distribution of Sanctioned strength and PIP between the Os/o the Meghalaya, Arunachal Pradesh and Mizoram Audit Offices

Cadre	Meghalaya		Arunachal Pradesh		Mizoram		Total	
	SS	PIP	SS	PIP	SS	PIP	SS	PIP
Sr AO/AO	12	11	11	10	9	8	32	29
AAO/SO/Supr	24	16	22	15	15	10	61	41
Sr.Ar/Sr.CO	75	66	56	50	44	39	175	155
Ar/CO	18	5	14	4	10	2	42	11
Cr/ty/DEO	11	3	9	2	7	2	27	7
Welfare Asstt	1	1					1	1
Aast. Caretaker	1						1	0
Steno	2	1	2	1	1		5	2
Hindi Officer	1						1	0
Senior Translator	1	1					1	1
Junior Translator	3						3	0
Hindi Typist	1						1	0
Staff Car Driver	1	1					1	1
Record Keeper	2	2	2	2	2	2	6	6
Group D	13	11	10	8	9	7	32	26
Total	166	118	126	92	97	70	389	280

Sanction of marginal cadres may be considered at a later stage

Attested  
  
 (Adv)



प्रधान मंत्री कार्यालय (विशेष निदेश) का सचिव  
 P. M. Office (Special Order) Secretary  
 प्रधान मंत्री कार्यालय  
 Diary No. 2268  
 दिनांक / Date 29.4.06  
 To

Fax / Speed Post

Annexure 10 Annexure 10  
 No. 221-NGE(App.)/17-2004

भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय  
**OFFICE OF THE COMPTROLLER  
 AND AUDITOR GENERAL OF INDIA**

दिनांक  
 Date

25.04.2006

The Accountant General (Audit),  
 Tripura,  
 Agartala

**Subject:** Separation of Group 'B' cadres in offices of the N.E. region.

Sir,

I am directed to invite a reference to your office letter No. Estt(Au)/1-49/2006-07/80 dated 12-04-2006 on the above mentioned subject and to furnish below the clarification sought for therein:-

- (i) In first line of para V of the policy for separation of Group 'B' cadre the word "sanctioned strength" may be read as "required strength".
- (ii) An officer, who has given preference for more than one office for permanent allocation, will be considered for permanent allocation as per his seniority and option exercised by him. If he can not be accommodated to the office of his first choice he will be considered for permanent allocation to the office mentioned at Sl. No. 2 and so on. If however he can not be accommodated to any of the these offices as per his seniority and option he will remain under the cadre control of the PAG (Audit), Meghalaya, Shillong and posted on deputation to the deficit office(s) till he is permanently allocated to any of the offices mentioned in the option against the subsequent vacancy arising in the concerned office (s).
- (iii) Once the officer is permanently allocated to the office of his first or subsequent choice in the option form, such allocation is final and no further change will be allowed.
- (iv) As no further promotion will be made in surplus offices till all surplus/optees posted on deputation to deficit offices are accommodated, the concerned surplus offices will accommodate their surplus optees against subsequent vacancies.
- (v) Sr.A.O, AO, AAO and SO will be treated four separate cadres for the purpose of allocation and the ratio of 80:20 in Sr.A.O./AO and AAO/SO will be maintained in each office while separating these cadres.
- (vi) The sanctioned strength and PIP for the newly created offices of Mizoram and Arunachal Pradesh is being intimated by BRS wing of this office. No additional post is being created for the present.
- (vii) The officers who are presently on deputation to other offices will be allocated to the offices as per their seniority-cum-preference. They will be repatriated from the borrowing office(s) to their allocated office subject to availability of vacancy in that office. No supernumerary post will be created in any office.

10, बहादुरशाह जफर मार्ग, नई दिल्ली-110002  
 10, Bahadur Shah Zafar Marg, New Delhi-110002

Attested  
 (Signature)  
 (Adv)

-41- Annexure-G (Control) 110 198

- (viii) The sanctioned strength minus existing vacancies proportionately distributed in each cadre is the required strength for the purpose of separation of cadre. No additional post is being created for the present.

Yours faithfully,  
-Sd/-  
(ASHUTOSH JOSHI)  
Assistant Comptroller and  
Auditor General (N)

Endo. No. 222 -NGE(App)/4-2006

Dated 24.04.2006

Copy along with a copy of the AG(Audit), Tripura, Agartala letter dated 12.4.2006 is forwarded for information and necessary action to:

- ✓1. The Pr.AG (Audit), Meghalaya, Shillong-793 001
- ✓2. The AG(A&E), Assam, Guwahati-781 029
- ✓3. The AG(Audit), Assam, Guwahati-781 029 with reference to serial No.10 of the AG's letter dated 12.4.06.
4. Director (Direct Taxes) at Headquarter with reference to serial No.10 of the AG's letter dated 12.4.06.
5. Director (Indirect Taxes) at Headquarter with reference to serial No.10 of the AG's letter dated 12.4.06.

(ASHUTOSH JOSHI)  
Assistant Comptroller and  
Auditor General (N)

Attested  
(Adv)

বঙ্গবন্ধু প্রথম মহাবিদ্যালয় (বিজ্ঞান), অসম, বেলতলা, গুৱাহাটী-২৯  
OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI-29.

Circular No. Estt./Au/1-51/03-04/101

Dated: 06/07/2004

**Subject: Separation of Common Gr. 'B' Cadres against the Audit offices of the North East**

Consequent upon Headquarter's office decision to establish separate Offices for Arunachal Pradesh and Mizoram (which will function from Shillong, until adequate space for Office and staff quarter are available) the Principal Accountant General (Audit), Meghalaya, etc., Shillong being Cadre Controlling Authority has invited fresh option from all Gr-'B' Officers (other than Supervisor) for their final allocation to different Audit Office of N.E. State in the event of separation of common Gr-'B' Cadres.

In view of above, all the incumbents in Gr-'B' posts (from SO to Sr.A.O) of this Office borne on common cadre are hereby asked to exercise their option afresh in the prescribed format (available in Estt-1 Section) on or before 19.7.2004 so as to enable this office to send the fresh options to Shillong Office by 22.7.2004 positively.

The options exercised earlier in response to this Office Circular No. Estt./Audit/1-01/03-04/275 dated 03.11.2003 stand cancelled.

(Authority: Principal Accountant General (Audit)'s order dated 05-07-2004)

  
Sr. Deputy Accountant General (Admin)


Memo No. Estt./Au/1-51/03-04/1078-1086

Dated: 06/07/2004

Copy forwarded to:

1. The Principal Accountant General (Audit) Meghalaya etc., Shillong. He is requested to arrange for obtaining the fresh option from the Officers of this office who are on deputation/foreign service from his end.
2. Sr. D.A.G.(A&Works) | They are requested to bring the contents of the
3. Sr. D.A.G (IC&CA) | circular to the Knowledge of all the Gr. 'B' Offices
4. Sr. D.A.G(C&R) | placed under their disposal and deployed field
5. Secretary to Principal Accountant General (Audit) Assam. | duties so as to enable them to exercise their fresh
6. Sr. AO (Admin). He should maintain the Register of option like previous occasion | options within the stipulated date.
7. and also prepare a list of Officer on leave and ensure sending of the option papers |
8. to them by registered post. |
9. All Group 'B' Officers deployed in H.Q. Section/Branch. |
10. Notice Boards. |
11. O.C File |

  
Sr. Deputy Accountant General (Admin)

Attested  
  
(Adv)

FORM OF OPTION

In the event of separation of existing common cadre for Group 'B' posts (excluding Supervisors) of the offices of Indian Audit & Accounts Department located in the North East, I Shri/Smt/Ms ..... working in the office of the Pr. A.G./A.G./Sr. D.A.G. (Audit) ..... as ..... (designation), do hereby opt to be finally allocated to the office of the Pr. A.G./A.G./Sr. D.A.G. (Audit) ..... knowing fully that this exercise of option shall be final and in no case whatsoever it would be changed.

2. In case, I am not initially allocated at the first instance to the office of my first option exercised above for want of vacancy, I may, till such time I am finally allocated to the said office, be allocated to the following offices in the order of preference:

- (i) Office of the Pr. A.G./A.G./Sr. D.A.G. (Audit) .....
- (ii) Office of the Pr. A.G./A.G./Sr. D.A.G. (Audit) .....

(Signature)

Date .....

Name .....  
(IN BLOCK LETTERS)

Station .....

Designation: .....

O/o the .....

Attested  
By  
(Adv)

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI-29.

Circular No. Estt-I/Audit/1-51/03-04/275

Dated, Guwahati,

The 3rd November 2003

**Subject-** Separation of Common Group-'B' Cadres amongst the Audit Offices of the North East.

The Cadre Controlling Authority viz., office of the Principal Accountant General (Audit), Meghalaya etc., Shillong has intimated that considering the problems of cadre management arising out of common cadres of Group 'B' posts in the Audit Offices of the North East, the Headquarters Office has decided to separate the common Group-'B' Cadres from section Officers to Senior Audit Officers (excluding Supervisors) in the Audit Offices of the North East hitherto controlled by the Principal Accountant General (Audit), Meghalaya etc., Shillong.

Accordingly, following facts are brought to the notice of all concerned:

(a) One time non-changeable option for allocation to a particular office located in the North East shall be obtained from the existing incumbents from Section Officers to the Senior Audit Officers placed in the different Audit Offices (including those on deputation and foreign service). The incumbents should also exercise their second and third preferences.

(b) The Officers shall be allocated to the office of his choice on the basis of seniority-cum-first preference. However, where the number of optees for a particular office is more than the sanctioned strength of that office, the excess optees shall be kept in a Waiting list for future accommodation in the office of their choice.

(c) The Wait listed persons shall form a pool at the disposal of existing cadre controlling authorities (i.e., the Principal Accountant General (Audit), Meghalaya etc., Shillong) for posting to deficit offices as per their alternative preferences, subject to administrative convenience, till such time they are accommodated in their offices of choice.

With a view to implementing the above scheme of separation of cadres of Group-'B' officers, all the present Group-'B' officers (Section Officers to Senior Audit Officers

Attested  
(Signature)  
(Adv)

P. T. O. .

including those on deputation or on foreign service) of this office are hereby directed to exercise their options in the enclosed "Form of Option" within one month from the date of issue of this circular (i.e., within 02-12-2003) and submit the same within the stipulated period to the Asstt. Audit Officer, Estt-I Section who shall maintain a Register of Option to be signed by both the optees and the receiving officer for records.

The option once exercised shall be final.

(Authority:- Accountant General (Audit)'s order dated 23-10-2003 in File No. Estt-I/Audit/1-51/2003-04/ at P/4<sup>N</sup>)

sd/-

Sr. Deputy Accountant General (Admn).

Memo No. Estt-I/Audit/1-51/2003-04/  
3265-3273.

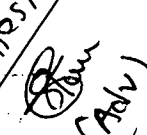
Dated: 3rd. November 2003

Copy forwarded for information and necessary action to:-

1. The Principal Accountant General (Audit), Meghalaya etc., Shillong-1. He is requested to obtain the option from the officers on deputation/foreign service from his side.
2. Secretary to the Accountant General (Audit), Assam, Guwahati-29.
3. Sr. Deputy Accountant General (A&IC).
4. Deputy Accountant General (C&R).
5. Deputy Accountant General (W&CA).
6. Sr. Audit Officer (Admn). He should prepare a list of officers on leave and ensure sending of the option paper to them by Registered Post.
7. Person concerned (Shri.....)
8. Notice Board.
9. Officer Order File.

They are requested to bring the contents of the Circular to the knowledge of all the Group 'B' Officers deployed on field duty with the instruction that the officers should personally collect and submit the option paper within the stipulated date to AAO/ESTT-I Section.

  
Sr. Deputy Accountant General (Admn).

Attested  
  
(Adv)



-46- Annexure - I

OFFICE OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA  
NEW DELHI - 110 002.

No. 108-N.2/127-88

Dt. 29 Feb 1990.

To

The Accountant General (A&E),  
Assam, Shillong-793001.

Subject: Posting of Section Officers/Assistant Accounts Officers to the office  
of the Accountant General (A&E) Tripura, Agartala.

Sir,

I am directed to refer Shri S.K. Chakraborty, Accountant General (A&E), Tripura d.o. letter No. Estt/Restructt/1-1/1983/Vol. II/2665 dated 26/12/1989 addressed to you on the subject mentioned above and to request that as far as possible the Section Officer Grade Examination passed staff of Accounts and Entitlement offices in North Eastern region of their promotion as Section Officers may be posted in the offices from which they passed the above examination.

Yours faithfully,

Sd/-

(R.N. BANDYOPADHYAY)  
ADMINISTRATIVE OFFICER, (N)

Attested  
(R.N.)  
(Adv)

Annexure - A (contd.)

सर्व प्रेषण भोग  
गणराज्यभारत  
नगरपालिका  
आदि  
All communications should be  
addressed to the Comptroller  
and Auditor General of India  
at New Delhi.  
Telephone address: ARU.

260  
No. 100-N.2/127-88  
100-N.2/127-88

Annexure - A  
OFFICE OF THE COMPTROLLER  
AND AUDITOR GENERAL OF INDIA,  
Basant K. Nigam, Akshat  
Park Road, New Delhi.

भारत के प्रिंसिपल-गणराज्य  
नई दिल्ली-110002  
COMPTROLLER AND AUDITOR GENERAL OF INDIA  
NEW DELHI - 110002

The Accountant General (A&E),  
Shillong-793001

Posting of Section Officers/Assistant Accounts Officers to the  
office of the Accountant General (A&E) Tripura, Agartala.

Sir,

I am directed to refer Shri S.K. Chakraborty,  
Accountant General (A&E), Tripura d.o. letter No. Estt/Restruct/  
1-1/1983/Vol. II/2663 dated 26.12.1989 addressed to you on the  
subject mentioned above and to request that as far as possible  
the Section Officer Grade Examination passed staff of Accounts  
and Entitlement officers in North Eastern region on their promotion  
as Section Officers may be posted in the office from which they  
passed the above examination.

Yours faithfully,  
(N.H. Baidyomdhay)  
ADMINISTRATIVE OFFICER (II)



Attested  
(Signature)  
(A&E)

Annexure - J

- 48 -

54

**CIVIL AUDIT ASSOCIATION, AAO's / SO's (CIVIL)**  
(Recognised as per C.C.S (RSA) Rules, 1993)  
**OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT),**  
**ASSAM, BELTOLA, GUWAHATI - 781 029.**

No. CAA/GB/49

Dated. 25.4.2006.

To,

*The Pr. Accountant General (Audit),  
Assam, Guwahati.*

**Sub: Separation of Group B Officers in N.E. Region.**

**Sir,**

I am to forward herewith a copy of the representation on the subject cited above. The copy of the same may be forwarded to the C&AG of India and cadre controlling authority i.e. Pr. A.G. (Audit), Meghalaya, etc. Shillong.

Yours faithfully,

*P. K. Diner*

**General Secretary**

*Recd  
25/4/06*

*Attested  
(ADV)*

**CIVIL AUDIT ASSOCIATION, AAO's / SO's (CIVIL)**  
(Recognised as per C.C.S (RSA) Rules, 1993)  
**OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT),**  
**ASSAM, BELTOLA, GUWAHATI - 781 029.**

No. CAA/GB/48

Dated. 25-04-2006

To

The Comptroller and Auditor General of India,  
10, Bahadur Shah Zafar Marg,  
Indraprastha Head Post Office,  
New Delhi - 110 002.

**Subject: Representation regarding separation of cadres of Group 'B' officers in North-Eastern Region.**

Sir,

With due honour and humble submission I beg to lay before your good self the following few lines arising out of the Headquarters' decision regarding separation of common cadre of Group 'B' officers in NE Region communicated vide Headquarters' Office letter No. 144-NGE (APP)/17-2004 dated 24.03.2006 for kind consideration and sympathetic action at your end -

1. The proposed policy of cadre separation formulated by Headquarters' office on seniority basis by ignoring the base office concept would cause a huge displacement of Group 'B' Officers in the office of the Principal Accountant General (Audit), Assam, Guwahati. There would be great difficulties and untold sufferings for the Group 'B' Officers who will be displaced from this office they are serving since inception. This is more painful for them, who had already transferred to different outstations on various occasions under the existing policy of common cadre of Group 'B' Officers. Further, due to perceived surplus optees the promotional avenues in all cadres of Group 'B' Officers are bound to be jeopardised.

2. However, if the headquarters' office intends to separate the common cadres of Group 'B' Officers, the same may be made without displacement of Group 'B' Officers of this office with due consideration to ensure their timely promotion.

Attested  
(Adv)

3. If the creation of Audit Offices for Arunachal Pradesh and Mizoram is considered indispensable, the new Audit Offices of Arunachal Pradesh and Mizoram may be created with existing manpower, which is catering to the need of the proposed offices in the combined office of the Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh & Mizoram. It is worthy to mention here that, the O/o the Accountant General (Audit), Assam, Guwahati was created in 1997 from the erstwhile office of the Principal Accountant General (Audit), Assam, Meghalaya, Arunachal Pradesh & Mizoram, Shillong by transferring the Group B Officers against strength of Assam in the combined office and no option was invited from the officers in Nagaland, Tripura and Manipur offices on that occasion though the officers were in common cadre.

I, on behalf of the Civil Audit Association, AAO's/SO's (Civil) of the office of the Principal Accountant General (Audit), Assam, Guwahati beseech your high office to kindly keep the entire process of cadre separation in abeyance and frame a new acceptable policy of separation of cadre after giving due cognizance to this Association's view.

Yours faithfully,

*P K Dinda*  
General Secretary

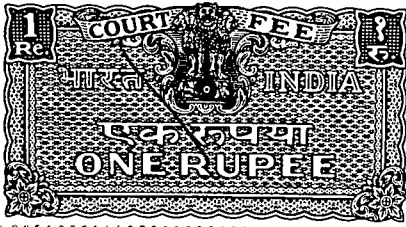
*Attested*  
*(Signature)*  
(Adv)

# VAKALATNAMA

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

### Guwahati BENCH

NO.....125.....of 199 2006  
Shri Guna Ram Kalita



Versus

V.O. I vs.

Appellant  
Petitioner Applicant

Respondent  
Opposite party

Know all men by these Presents that the above named

applicants

do hereby

nominate, constitute and appoint Shri Dr. J.L. Sarker and  
Shri S. Tamuli Advocate and such of the undermentioned Advocates  
as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act  
for me/us in the matter noted above and in connection there with and for the purpose to do  
all acts what soever in that connection including depositing or drawing money, filing in or  
taking out papers, deeds of composition etc. For me/us and on my/our behalf and we agree  
to ratify and confirm all acts so done by the said Advocates as mine/ours to all intents and  
purposes. In case of non payment of the stipulated fee in full no Advocate will be bound  
to appear or act on my/our behalf.

In witness where of I/we here unto set my/our hand this 25 May 199  
day of May 2006

### Advocates

N.M.Lahiri  
Prasanta Kumar Barua  
Bijoy Kumar Das  
B.C.Das  
B. Banerjee

✓ D.J.L.Sarkar  
Ashis Dasgupta  
B.M.Buzar Baruah  
Nisitendu Choudhury  
Manik Chanda  
Asit Sarkar  
Stuti Deka  
S. Sarmah  
N. D. Goswami  
✓ S. Tamuli

Received from the executant and accepted

And Accepted

J.L. Sarker  
(J.L. Sarker)  
Advocate

S. Tamuli  
(S. Tamuli)  
Advocate

Swapan kr Bose  
Bijoy Kumar Das  
Sanjivan Chakrabarti  
Babul Ch. Das  
Sebastiano Megumda

Subash Kumar  
Nabab Kr. Pravin Choudhary  
Guna Ram Kalita  
Bijoy Baruah

Subash Dasgupta  
Jaganta Choudhary  
Ranajoy Bhattacharjee  
(Jyeshtha Bhattacharjee)  
Gyanmitt Choudhary

Biranchi kr Sarmah  
Shal  
(SHREEKANT LAL)  
N-Pul  
(Nani Gopal Lal)

To  
Smt U. Das, Advocate General,  
Addl. Cbr. SC.  
CA T / ~~Govt. High C~~  
Govt.

Madam,

Kindly receive 2 Cops of  
the OA. for your use.

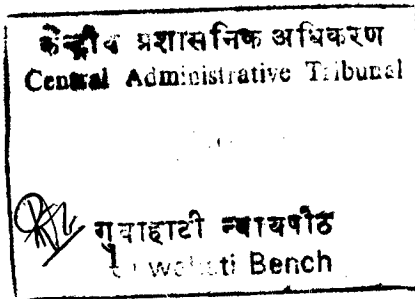
Yours truly.

Smt  
S. Tamuli  
(Advocate)

Received  
Usha Das.  
Addl. Cbr. SC.  
26/5/06

26/5/06

150/06.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA NO. 125/2006

SHRI GUNA RAM KALITA & OTHERS  
.....APPLICANTS

-VERSUS-

UNION OF INDIA & OTHERS  
.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received copy of the OA and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below, rest may be treated as total denial. The statements, which are not borne on records, are also denied and the applicants are put to the strictest proof thereof.
- 2) That the respondents before traversing various paragraphs of the OA, the respondents beg to give the Brief History of the case.

Shri Gunaram Kalita and 16 others Assistant Audit Officers of the Office of the Pr. Accountant General (Audit), Assam, Guwahati have moved the Hon'ble Tribunal, Guwahati Bench against the policy formulated for separation of the cadres of Group 'B' officers in North-Eastern Region. The applicants are of the opinion that the scheme for separation has been formulated on the wrong premises that there was common/combined cadre. The applicants are of the opinion that there has not been any formal common/combined cadre. The applicants are also of the opinion that the scheme called for option and after receiving option brought into play the concept of required strength substituting the sanctioned strength. The term required strength adds to badness of the scheme. The applicants also submitted that the scheme will very adversely affect them in the matter of seniority and place of posting.

In the premises as aforesaid the applicants moved the Hon'ble Tribunal for setting aside and quashing of the scheme of separation of cadres.

Filed by  
the Respondents through  
Alsha Das,  
Addl CHS  
05/06/2006



- 3) That with regard to the statements made in paragraphs 1, 2, 3, 4.1 and 4.2 of the OA, the respondents beg to offer no comment. However the respondents do not admit anything contrary to the records of the case.
- 4) That with regard to the statements made in paragraph 4.3 of the OA, the respondents while denying the contentions made therein beg to state that on the appointment to the cadre of Clerks/Typists, Auditors up to the promotion of Sr. Auditors, these officials fall under Group 'C' cadre which have been separated on 01.09.1981 in the Civil Audit offices of the N.E. Region except the office of the Pr. Accountant General (Audit), Assam and office of the Pr. Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram. Hence unto cadre of Sr. Auditors the respondents have no comments.

That from the post of Section Officers to the posts of Assistant Audit Officers, Audit Officers, Sr. Audit Officers, Group 'B' cadre is combined for all Principal Accountants General/ Accountants General offices in the N.E. Region for which Pr. Accountant General (Audit), Meghalaya, Shillong is the cadre controlling authority.

That the Section Officers Grade Examination passed officials of different Audit Offices in N. E. Region are considered for promotion to the post of Section Officer which is entry point of Group 'B' combined cadre. The promotion to the post of Section Officers is made with the condition that the person concerned is liable to be transferred to any of the Audit offices of NE Region. The above condition is laid down in the promotion order itself. If the above condition is not acceptable to any person he may not take the promotion. Once the person is promoted to the post of Section Officer and become a part of the common cadre Group 'B' officers in the Audit Offices of NE Region, the office in which he belonged prior to such promotion is not relevant. All the Group 'B' officers belonging to common cadre had been given equal opportunity to opt for permanent allocation to any of the offices in NE Region for the purpose of separation of common cadre so that these offices have their own separate cadres of Group 'B' officers. As the permanent allocation to these officers is to be made

as per seniority of the Group 'B' officers belonging to common cadre and the option exercised by them for this purpose, the applicants have no claim for their allocation to Guwahati Office in preference to their seniors who belonged to other offices of NE Region prior to their promotion as Section Officers. In the instant case all the 17 applicants accepted the promotion to the posts of Section Officers/Assistant Audit Officers. Hence the concept of parent office is not correct. There is also a common gradation list for all the officers of NE Region in respect of the cadres from Section Officers to Sr. Audit Officers.

That it would be evident from the above that the term common cadre is not vague concept. However, to facilitate formation of Group 'B' cadres in respect of each individual Civil Audit Offices in the NE Region the Comptroller and Auditor General of India has formulated the aforesaid policy separation of Cadres.

- 5) That with regard to the statement made in paragraph 4.4 of the OA, the respondents while denying the contentions made therein beg to state that the gradation list of the common cadre as on 1<sup>st</sup> March is published every year with inter se seniority and circulated among all the officers of the NE Region. That the scheme for separation of cadre was formulated with total application of mind.
- 6) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to submit that this being matter of records hence offer no comment.
- 7) That with regard to the statement made in paragraph 4.6 of the OA, the respondents while denying the contentions made therein beg to state that the clarification given by the office of the C & AG of India vide its letter No. 221-NGE (APP)/17-2004 dated 25.04.2006 in no way affected the basic principles of separation of cadres. Moreover, in Para-II of policy for separation of common cadre of Group 'B' officers in Civil Audit offices in NE Region has categorically clarified that the required strength is the sanctioned strength minus vacancies proportionately distributed in each cadre. Further SO/AAO/AO/Sr. AO are all separate cadres having distinct pay scales and appointment to each of the post is regulated by separate Recruitment Rules framed under Art 148 (5) of the Constitution of India and each is a promotional cadre for the preceding one.

- 8) That with regard to the statement made in paragraph 4.7, 4.8 and 4.9 of the OA, the respondents beg to submit that this being matter of records beg to offer no comment. However further beg to submit that the respondents do not admit anything contrary to the records of the case.
- 9) That with regard to the statement made in paragraph 4.10 of the OA, the respondents while denying the contentions made therein beg to submit that the points raised by the petitioners do not have any merit. Once a Clerk/Auditor/ Sr. Auditor of any of the offices of the Pr. Accountant General (Audit), Assam, Pr. Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram, Shillong, Accountant General (Audit), Manipur, Imphal, Accountant General (Audit), Nagaland, Kohima and Accountant General (Audit), Tripura, Agratala passes the Section Officer's Grade Examination, a common seniority list is prepared by the cadre controlling authority and officials are promoted to the grade of Section Officers and thereby they belong to the common cadre of Section Officers of the Civil Audit Offices of the NER. Thus the concept of parent offices of such of the Section Officers on their promotion is not based in facts.
- 10) That with regard to the statement made in paragraph 4.11 of the OA, the respondents while denying the contentions made therein beg to state that in view of what has been stated in the preceding paragraphs the question of separation of cadre based on parent office's concept is not correct.
- 11) That with regard to the statement made in paragraph 4.12, 4.13, 4.14 and 4.14 of the OA, the respondents while not admitting anything contrary to the records of the case beg to offer no comment.
- 12) That with regard to the statement made in paragraph 4.16 of the OA, the respondents while denying the contentions made therein beg to state that Para-II of the policy for separation of common cadre of Group 'B' officers in Civil Audit offices in NE Region clearly mentioned that the required strength is the sanctioned strength minus vacancies proportionately distributed among all offices and is not a new term as contended by the applicants.

- 13) That with regard to the statement made in paragraph 4.17 of the OA, the respondents while denying the contentions made therein beg to state that it is not correct to state that options were not called from Group 'B' officers for the newly created Audit offices of Arunachal Pradesh and Mizoram. In the instant case, options were called for all the Audit offices of the NE Region including the newly created offices of the Accountant General, Arunachal Pradesh and Mizoram and options have also been received from some of the officers of the common Group 'B' cadre for allocation to the newly created officers of the Accountant General, Arunachal Pradesh and Mizoram.
- 14) That with regard to the statement made in paragraph 4.18 of the OA, the respondents while denying the contentions made therein beg to state that the circulars for separation of cadre were made only after a policy decision was taken at the highest level of the department. Thus it is incorrect to say that these were issued whimsically and arbitrarily.
- 15) That with regard to the statement made in paragraph 4.19 of the OA, the respondents beg to submit that common cadre for Group 'B' officers of the NE Region has been in existence and not a new creation as has already been stated in the earlier paragraphs as such no comment is offered.
- 16) That with regard to the statement made in paragraph 4.20 of the OA, the respondents while denying the contentions made therein beg to state that the applicant's contentions that since they are working in the office of the Pr. Accountant General (Audit), Assam, which is their base office is not based on facts. At present they are working in the Guwahati office but they are member of the common cadre of Assistant Audit Officers of the NE Region.
- 17) That with regard to the statement made in paragraph 4.21 of the OA, the respondents beg to submit that after careful consideration of every aspect, the scheme of separation of cadre has been formulated by the office of the Comptroller and Auditor General of India in public interest.

- 18) That with regard to the statement made in paragraph 5.1 of the OA, the respondents while denying the contentions made therein beg to state that the present separation of cadre will not make any junior officer to become senior for exercising option.
- 19) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to submit that as already stated, the term required strength has already been defined in the policy document and therefore the allegation that the same is arbitrary is untenable.
- 20) That with regard to the statement made in paragraph 5.3 of the OA, the respondents deny the contentions made therein. It is not correct to state that after the separation of cadre the concept of common cadre will remain. The very intention of the separation of cadre is to form separate cadre for each individual officers.
- 21) That with regard to the statement made in paragraph 5.4 of the OA, the respondents beg to deny the contentions made therein the points raised by the applicants do not have any merit. The gradation list of common cadre of SO/AAO/AO/Sr. AO is maintained by the Pr. Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram, Shillong being the cadre controlling authority. Inter se seniority for each cadre as mentioned above is given in the gradation list. The date of continuous appointment of promotion to the respective above-mentioned cadres is indicated in the relevant columns against the concerned officers. Hence, the cadre of Sr. Auditors/ Auditors has no relevance in the Gradation List after coming to the Common Cadre so far transfer of Group 'B' officers are concerned.
- 22) That with regard to the statement made in paragraph 5.5 of the OA, the respondents beg to submit that since there is common cadre of Group 'B' officers the concept of base offices and common cadre cannot function together.

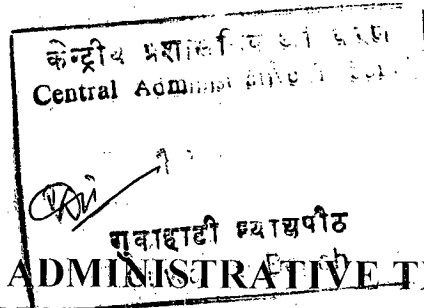
- 23) That with regard to the statement made in paragraph 5.6 of the OA, the respondents beg to state that it would be evident from the above that there is no reason to set aside and quash the aforesaid orders of separation.
- 24) That with regard to the statement made in paragraph 5.7 of the OA, the respondents beg to state that no new concept such as required strength has been added to the scheme. The present scheme for separation of cadres is not violative of any Articles of the Constitution of India.
- 25) That with regard to the statement made in paragraph 6 and 7 of the AO, the respondents beg to offer no comment.
- 26) That with regard to the statement made in paragraph 8.1, 8.2 and 8.3 of the OA, the respondents while denying the contentions made therein beg to state that in view of the submission brought out above, it submitted that the OA is without merit hence the respondents pray before the Hon'ble Tribunal that the Hon'ble Tribunal may be pleased to dismiss the OA with cost.
- 27) That with regard to the statement made in paragraph 9 of the OA, the respondents pray before the Hon'ble Tribunal that in view of the facts and circumstances narrated in the fore going paragraphs, the Hon'ble Tribunal may be pleased to vacate/modify the interim order dated 28.5.2006 and allow the respondents to transfer the officers of various offices of the NE Region on the basis of their allocation to various offices based on their seniority and options.
- 28) That with regard to the statement made in paragraph 10 to 12 of the OA, the respondents beg to offer no comment.
- 29) That in view of the above facts and circumstances of the case he respondents pray that the Hon'ble Tribunal may be pleased to dismiss the Original Applicant with cost.

# VERIFICATION

I .....Deekshina.....Thakur....., aged  
 about ...35... years at present working as  
 .....Deputy.....Accountant.....General.....  
 ....., who is one of the respondents and taking steps in this case, being  
 duly authorized and competent to sign this verification, do hereby solemnly  
 affirm and state that the statement made in paragraph  
 \_\_\_\_\_ are true  
 to my knowledge and belief, those made in paragraph  
1 to 27 being matter of records, are  
 true to my information derived there from and the rest are my humble  
 submission before this Humble Tribunal. I have not suppressed any material  
 fact.

And I sign this verification this 5-----th day of June 2006 at Gurwahati.

Deekshina Thakur  
 DEPONENT



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI**

**OA NO-125/2006**

**SHRI GUNARAM KALITA & OTHERS**

**APPLICANTS**

**-VERSUS-**

**UNION OF INDIA & OTHERS**

**RESPONDENTS**

**REJOINDER TO THE WRITTEN STATEMENT OF THE RESPONDENTS**

The applicants most respectfully beg to state as under :-

1. That the applicants have gone through the Written Statement (W.S) and understood the contents thereof. That in reply to the statement in para-2 of the W.S, the Applicants reiterate the statements in the OA. The Applicants categorically deny the correctness of the statement that there has been any common cadre of SO/AAO etc. for the Civil Audit Offices of NE Region. The officers have been working in base offices, with the administrative instructions for filling up some posts in the offices where adequate number of officers were not available; such offices were called Deficit Offices. The filling up of the vacancies of the deficit offices were made under administrative instructions by transfer. The transferee(s) was/ were repatriated to their original offices, which the instructions called Base Offices, also called Parent Offices. Administrative instructions for such transfer have been for 18 months. In the circumstances the statement of the Respondents that there have been common cadre is not founded on factual position.

Copies of orders of transfer of officers repatriated to the Parent / Base Offices on completion of tenure as per administrative instructions are enclosed as Annexure K series.

2. That, as already stated there has not been any common cadre/ combined cadre of SOs/ AAOs etc. (Gr. B officers). It is also stated that there is no common cadre for Clerks and Auditors. It is stated that the Respondents have never constituted a formal common cadre of Gr. B officers. It is prayed that the Hon'ble Tribunal put the Respondents to strict proof of showing notifications/ order for constituting common cadre. It is stated that there has not been

Filed by the applicants  
-through S.N. Tomuli  
Advocate. 13.6.06



any such constitution of common cadre and consequently there has not been any notification etc. The offices have been working on the principle of Base Office/ Parent Office cadre.

3. That is reply to statement in Para-4 of the W.S. it is stated that as per respondents' written statement (for short W.S) it has been confirmed that the cadres of group 'C' was separated on 1.9.1981 in the Civil Audit Offices of the N E Region except the Office of the Pr. Accountant General (Audit) Meghalaya, Arunachal Pradesh and Mizoram. The respondents, however did not offer any comments regarding seniority in the feeder cadre, i.e. Clerk/ Auditor.

It has been stated in the W.S. that once a person is promoted to the post of Section Officer and he becomes a part of the common cadre of Group 'B' Officers in the Audit Offices of the N E Region, the office in which he belonged prior to such promotion is not relevant. In this connection it may be submitted that in Para 4.3 of the OA reference was made regarding policy for transfer/ posting of Group 'B' Officers in N E Region in which it has been specifically mentioned that as per CAG Office letter no. 103/ N2/ 127-88 dated 23.02.90 as far as possible the Section Officers Grade Examination passed Group 'B' Officers should be posted in the offices from which they passed the above examination. In cases where the Group 'B' officers had been transferred to deficit offices as per agreement held on 11.04.1974 between the Association and Accountant General for a tenure of 18 months for the first time and 12 months for the second term, they were repatriated to their base office on completion of the aforesaid tenures. As such, the Group 'B' officers of Civil Audit Offices of NE region were put to run the deficit offices. Though the concept of 'base office'/ 'parent office' has been denied in the respondents' written statement, the existing policy of posting/ repatriation of Group 'B' officers to their 'base office' as enclosed in Annexure 'A' and Annexure 'B' to the OA contradicts the respondents' reply. The concept of transfer is embedded in the Policy in Annexure A & B

Further, as stated above (Para-1 of this rejoinder ) there was no order of the Competent Authority constituting a combined /common cadre of Group 'B' Officers for all the Civil Audit Offices of the NE Region.

The condition of serving in any of the Audit Offices in NE region, as included in the promotion order was a part of temporary arrangement to run the deficit offices because on completion of tenure of 18/12 months the Officers had been repatriated to their Base Offices as per policy mentioned in Annexure 'A' and 'B' to the OA. The matter of policy regarding

transfer /posting included in the promotion order as referred to in Para 4 of the W.S. is not relevant to the separation of Cadre of Group 'B' officers as Cadre Separation is related to permanent allocation of a particular officer to a particular office.

4. That in reply to statement in Para 5 it is stated that preparation of interse/ integrated Gradation list does not mean existence of common cadre.

In this regards it may be stated that in Para 4 of W.S. the respondents have accepted the fact that the feeder cadre of Group 'C' staff of different offices were separated in 1981 as such, bringing of officers under common/ combined cadre without reference to seniority in the feeder cadre i.e. Clerk/ Auditor opens rooms for erstwhile juniors to become seniors because promotional avenues in the feeder cadre of various Audit Offices in N E Region where the cadre are already separated way back in 1981 may not be equal in all the concerned offices. Moreover, the policy of so called 'common/ combined cadre' were never circulated among the petitioners, hence mere publication of a common gradation list does not satisfy the requirement of administrative fairness and openness and is therefore perverse and vitiated by arbitrariness.

5. That in reply to statements in Para 7 of the W.S. it is stated that the statement regarding required strength demonstrates more vagueness in the scheme, which is susceptible to variations/ manipulations at will without any nexus with administrative fairness.

In this regard it may be stated that as per Para V of the policy if the number of optees for a particular office is less than the sanctioned strength of that office all the optees should be allocated to that office. Considering the huge vacancy in the base office at Guwahati, the applicants were of the understanding that the number of optees for their base office at Guwahati would not exceed the sanctioned strength and accordingly they exercised option for Audit Office at Guwahati. Hence, substitution of the term 'sanctioned strength' by 'required strength' after exercising of option has totally changed the basic principle of separation of cadres. Thus, the argument that the substitution of the term 'sanctioned strength' by 'required strength' in no way affected the basic principle of separation of cadres is not correct and hence denied.

6. That in reply to statements in Para 8 of the W.S. it is stated that as per clarification given vide para (ii) of Comptroller & Auditor General of India's letter dated 25.4.06 an officer who cannot be accommodated to the office of his choice as per his option exercised, he will be posted on deputation to deficit offices and will remain under the cadre control of the Pr.

Accountant General (Audit), Megalaya, Shillong till he is permanently allocated to the office of his choice mentioned in the option form. Thus, as per the clarification stated above the Pr. Accountant General (Audit), Megalaya, Shillong will continue to be the cadre controlling authority of officers belonging to other Audit Offices even after the separation of cadres.

This frustrates and negates the Scheme. The Scheme as such is not fully workable

7. That the correctness of the statement in para-9 of the W.S. that the concept of 'Base Office'/'Parent Office' is not based on facts is denied. The respondents' reply is not correct because as per provision of para 5.6.1 of Comptroller Auditor General's Manual of Standing Order (Administration) Vol.I (3<sup>rd</sup> edition) all of the audit offices should have their own Section Officers cadre from the date of separation of Group 'C' staff (i.e from 1.9.1981 on which feeder cadres of different audit offices were separated).

The matter of promotion is for the office as a whole from Clerk/Auditor to S O. There should be integrated promotion policy /cadre policy for each office. Moreover, promotion from a Common Seniority list does not mean that the promotees thereby belong to common cadre.
8. That the applicants denies the correctness of the statements in paragraphs 10 and 12 of the Written Statement
9. That in reply to the statement in para 13 of the Written Statement, the applicants reiterate the statements made in the OA.
10. That the applicants deny the correctness of the statements in paras 15, 16 and 17 of the Written Statement. It is denied that Common Cadre as stated ever existed.
11. That in reply to statements in paras 18 to 24 of the Written Statement, the applicants reiterates that the grounds stated in the OA are good grounds and that the respondents have made hazy and vague statements by stating that under the scheme there shall be separate cadres and also some Common Cadre Officers
12. That in reply to statements in paras 25 to 29, it is humbly stated that the OA deserves to be allowed with cost.

VERIFICATION

I Shri Guna Ram Kalita, Son of Late G.C. Kalita aged about 50 years working as Assistant Audit Officer in the Office of the Principal Accountant General (Audit) Assam, Guwahati do hereby verify that the statements made in paragraphs 1 to 12 are true to my knowledge. I have been authorized by other applicants to sign this verification on their behalf which I do accordingly.



Signature

Guwahati

Date

**OFFICE OF THE PR. ACCOUNTANT GENERAL (AUDIT)  
MEGHALAYA ETC., SHILLONG - 793 001.**

✓

Office Order No. Estt-I/Audit/155

Dated : 19.01.2005.

The following Senior Auditors/Auditors are promoted to officiate as Section Officer (Audit) in the scale of pay of Rs.6,500-200-10,500/- P.M., until further orders with effect from the date of their taking over charge as such in the office as noted against each, subject to the following conditions :-

On their promotion as Section Officer (Audit), they are liable to be transferred to the office of the Pr. Accountant General (Audit), Meghalaya etc., Shillong, office of the Pr. Accountant General (Audit), Nagaland, Kohima; Tripura, Assam, Guwahati and offices of the Accountants General (Audit), Nagaland, Kohima; Tripura, Agartala, Manipur, Imphal as well as Branch/Zonal offices of those offices already in existence or will be formed in future and anywhere within the States of Assam, Meghalaya, Manipur, Tripura, Nagaland, Arunachal Pradesh and Mizoram.

(ii) In terms of FR 22-I (a)(I), read with GOI orders thereunder, they are required to exercise option, if any, within one month from the date of their joining as Section Officer (Audit).

(iii) On their promotion as Section Officer (Audit), they are placed on probation for a period of 2(two) years w.e.f. the date of their taking over charge as such in their respective new place of posting.

Sl. No.	Name S/Shri/Smti	Present place of posting	Place of posting on promotion.
1. ✓	Nepal Ch. Sarkar	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the Pr. A.G. (Audit), Assam, Guwahati against existing vacancy
2.	Mani Kandan C.	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Seabrata Mazumdar, SO repatriated to the O/o the Pr. A.G. (Audit), Assam, Guwahati
3.	Sanjoy Sen Gupta	O/o the Pr. A.G. (Audit), Tripura, Agartala	O/o the Pr. A.G. (Audit), Tripura, Agartala vice Shri Bhubaneswar Sinha, SO repatriated to O/o the Pr. A.G. (Audit), Meghalaya etc., Shillong.
4.	Partha Sarathi Chakraborty	O/o the Pr. A.G. (Audit), Tripura, Agartala	O/o the Pr. A.G. (Audit), Tripura, Agartala vice Shri Biswajit Choudhury, SO repatriated to the O/o the Pr. A.G. (Audit), Assam, Guwahati
5.	Santanu Bhattacharjee	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Jishu Bhattacharjee, SO repatriated to the O/o the Pr. A.G. (Audit), Assam, Guwahati
6. ✓	Ritui Changmai	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the Pr. A.G. (Audit), Assam, Guwahati Against the existing vacancy.
7. ✓	Bikash Rn. Das	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the Pr. A.G. (Audit), Assam, Guwahati Against the existing vacancy.
8.	Chibemo Shitiric	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima Vice Shri Bijoy Bhusan Deb. AAO transfer to the O/o the Pr. A.G. (Audit), Assam, Guwahati
9.	M. Ganesh	O/o the Pr. A.G. (Audit), Meghalaya etc., Shillong	O/o the Pr. A.G. (Audit), Meghalaya etc., Shillong against existing vacancy
10	Joydev Bhowmick	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the A.G. (Audit), Manipur, Imphal vice Shri Babul Ch. Das. SO repatriated to the O/o the Pr. A.G. (Audit), Assam, Guwahati.

The transfer is in the interest of public service.

Contd... p/2

[ Authority : Pr. Accountant General (Audit)'s Orders dated 19-01-2005 at page 3<sup>N</sup> of file No.DAG (A)/Con-C/DPC/S.Os/2005. ]

Sd/-

Deputy Accountant General (Admn).

Memo No.Estt-I/Audit/10-43/2004-05/3406-3437

Dated: /01/2005.

Copy forwarded for information and necessary action:-

1. The Deputy Director, O/o the Director General of Audit, P&T, S.W.T.C. Branch Audit Office, 33 B.B.D. Bagh. South, Kolkata - 700 001.
2. The A.G (Au) Tripura, Agartala. The enclosed PCs may be handed over to the officials concerned and the date of joining of Shri S. Sen Gupta and Shri P.S. Chakraborty as well as date of release of Shri B. Sinha and Shri B. Choudhury. SOs may please be intimated to this office for record.

Encls: 4 PCs

3. The A.G (Au) Nagaland, Kohima. The enclosed P.Cs. may be handed over to the officials concerned. The date of joining of S/Shri M. Kandan C, S. Bhattacharjee and C. Shitrie as well as date of release of Shri B.B. Deb. AAO, S. Mazumdar and J. Bhattacharjee, SOs, may please be intimated to this office for record..

Encls: 6 P.Cs.

4. The A.G (Audit) Manipur, Imphal. The enclosed P.C may be handed over to the official concerned. The date of joining of S/Shri Joydev Bhowmick and the date of release of Shri B.C. Das, SO may please be intimated to this office for record.

Encls: One P.C.

5. The Sr. Deputy Accountant General (Admn.), O/o. The Pr.A.G (Audit), Assam, Beltola, Maidamgaon, Guwahati-29. Enclosed P.Cs. may be handed over to the officials concerned. The date of joining of S/Shri N.C Sarkar, R. Changmai, B.R. Das, S. Mazumdar, B. Choudhury, J. Bhattacharjee, B. B. Deb and B.C. Das as well as the date of release of Shri Joydev Bhowmick may please be intimated to this office for record.

Encls: 4 P.Cs.

6. The Secretary to Pr. A.G (Audit), Assam, Beltola, Maidamgaon, Guwahati-29.
7. The Secretary to the Pr.A.G(Audit), Meghalaya, etc., Shillong..
8. The Sr.Audit Officer/Record & Claim
9. The Sr. Audit Officer/SWA
10. The P.A.O. (Local).
11. The Asstt. Audit Officers./Conf. Cell/Estt-II/Record.
12. G.L Group/S.B/P.C.Group/Pay fixation group.
- ✓ 13. Officials concerned.
14. Posting Group.
15. Office Order Book.

  
Establishment Officer.

Sy. No. 3090-8-

Annexure - K

dt. 12/12/05

ESH-I/AU/1/2021

dt. 15/11/05

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)  
NAGALAND :: KOHIMA.

Admn/Audit/Order No129.

Dated:- 06-12-2005.

In pursuance of Office Order No.Estt.I/Audit/115 dated 11-2005 of the office of the Principal Accountant General (Audit), Meghalaya, etc. Shillong the under noted Officers stands relieved of their duties in this Office w.e.f. 9<sup>th</sup> December, 2005 (A/N). Consequent upon their transfer/repatriation to the office of the Principal Accountant General (Audit), Assam, Guwahati.

1. Shri. Nani Gopal, Paul, AAO.
2. Shri. Subhash Kumar, AAO.
3. Shri. Shreekant Lal, AAO.
4. Shri. Nirmal Deori, SO.
5. Shri. Pranjit Saikia, SO.

The transfer is in the interest of Public service.

(Authority:- A.G's Order dt. 5-12-2005 at P/56N of file No.Admn/Audit/2-29/Vol.II/2002-2003).

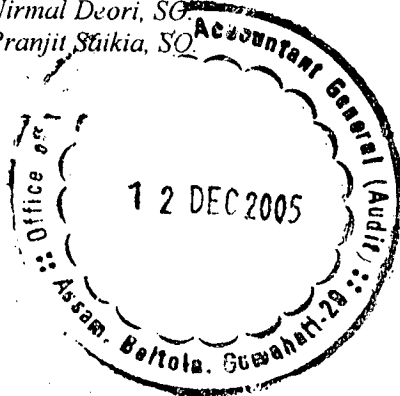
Sd/-

Sr. Audit Officer (Admn)

Memo.No.Admn/Audit/2-19/Vol. II/2002-2003/941-953 Dated:- 06-12-2005.

Copy to forwarded for information and necessary action to:-

1. The Principal Accountant General (Audit), Meghalaya, etc. Shillong - 793 001.
2. The Principal Accountant General (Audit), Assam, Beltola, Maidamgaon., Guwahati - 29.
3. P.A.O. (Local).
4. Service Book of the concerned officials.
5. T.A. Table.
6. Contingency table.
7. Bill Table.
8. Gradation List.
9. Shri. N.G. Paul, AAO.
10. Shri. Subhash Kumar, AAO.
11. Shri. Shreekant Lal, AAO.
12. Shri. Nirmal Deori, SO.
13. Shri. Pranjit Saikia, SO.



Sr. Audit Officer (Admn).

Establishment Off.

**OFFICE OF THE ACCOUNTANT GENERAL (AUDIT),  
MEGHALAYA, ETC., SHILLONG - 793 001.**

Order No. Estt. I/Audit/40.

Dated: 12/6/2000.

The following Section Officers (Au), are transferred to the offices noted against their names

<u>Sl. No.</u>	<u>Name &amp; Designation S/Shri/Smti.</u>	<u>Present Office</u>	<u>Office in which transferred</u>
1.	Shri Pradip Kr. Kuri, S.O (Au).	O/o The A.G(Au), Assam, Guwahati.	O/o The A.G(Au), Manipur, Imphal vice Shri Hitesh Kakati, S.O (Au), repatriated to the O/o The A.G (Au) Assam, Guwahati.
2.	Shri Shyamal Kanti Kar, S.O (Au).		O/o The A.G(Au), Manipur, Imphal vice Shri Sibotosh Bhattacharjee, S.O (Au) repatriated to the O/o The A.G(Au), Assam, Guwahati.



S/Shri Pradip Kumar Kuri, and Shyamal Kanti Kar, S.O s may be released first for smooth repatriation of officials from Imphal Office.  
The transfer is in the interest of public service.

[Authority:- Accountant General (Au)'s Orders dt.9.6.2000 at P/66<sup>N</sup> of File No Estt. I/Au/12-3/2000-2001].

**By Speed Post**

Sr. Deputy Accountant General (Admn)

Dated: 13 JUN 2000

Memo No. Estt-I/Audit/12-3/2000-2001/762-72

Coply forwarded to:-

1. The Principal Director of Audit N.F. Railway Maligaon, Guwahati-11.
2. The Accountant General (Audit), Assam, Maidamgaon, Beltola, Guwahati-29. The date of release of S/Shri P.K. Kuri, & S.K. Kar, S.Os may please be intimated to this office for record. Enclosed personal copies may please be handed over to the officials concerned. Encl: 2(Two).
3. The Accountant General (Audit), Manipur, Imphal. The date of release and date of joining in respect of S/Shri H. Kakati and S. Bhattacharjee and P.K. Kuri, and S.K. Kar, S.Os respectively may please be intimated to this office for record. Enclosed P.C. of S/Shri Kakati & Bhattacharjee, S.Os may please be handed over to them. Encl: 2(Two).
4. The Pay and Accounts Officer, Local.
5. The Secretary to Accountant General (Audit).
6. The A.A.O/Conf. Cell.
7. Office Order Book.
8. The Persons Concerned.

9. A-A-O/RAU for distribution

Establishment Officer

Handi cell

S.P.A.O



- 10 -  
OFFICE OF THE ACCOUNTANT GENERAL (A)  
MEGHALAYA, ETC., SHILLONG - 793 001.

Order No. Estt./Audit/10.

Dated: 17-4-2000.

The following Asstt. Audit Officer are promoted to officiate as Audit Officer, untill further order in the scale of pay of Rs. 7500-250-12000/- P.M. with effect from the date of their taking over charge as such in the offices as noted against their names :-

Sl. No.	Name	Present Place of Posting	Place of posting on promotion.
1.	S/Shri Sekhar Paul Choudhury, A.A.O.	O/o the A.G. (Audit), Tripura Agartala.	O/o the A.G. (Audit), Nagaland, Kohima vice <u>* Shri Jyotirmoy, Chakraborty, A.O. repatriated to the O/o the A.G. (Audit), Assam, Guwahati. He will relieve * Shri P.B. Nag, Sr. A.O. repatriated to the O/o the A.G. (Audit), Tripura, Agartala.</u> * O/o the A.G. (Audit), Manipur, Imphal vice Shri R.N.Ghosh, A.O. repatriated to the O/o the A.G. (Audit), Tripura Agartala. He will relieve <u>Shri M.M.Saha, Sr.A.O.</u> <u>transferred to the O/o the A.G.</u> <u>(Audit), Assam, Guwahati against</u> <u>existing vacancy. This is in partial</u> <u>modification of this office Order</u> <u>No.Estt-I/Audit/150 dated</u> <u>17-12-99</u>
2.	Ikramul Hussain, A.A.O.	O/o the A.G. (Audit), Assam, Guwahati.	O/o the A.G. (Audit), Manipur, Imphal vice Shri J.L.Roy, A.O., transferred to the O/o the A.G. (Audit), Assam, Guwahati.
3.	Mihir Sen (II), A.A.O.	O/o the A.G. (Audit), Meghalaya etc., Shillong.	O/o the A.G. (Audit), Manipur, Imphal vice Shri J.L.Roy, A.O., transferred to the O/o the A.G. (Audit), Assam, Guwahati.

On their promotion as Audit Officer they are liable to be transferred to the Offices of the Accountants General (Audit), Meghalaya etc., Shillong; Assam, Guwahati; Tripura Agartala; Manipur, Imphal; Nagaland, Kohima; as well as Branch/Zonal Offices of those offices already in existence or will be formed in future and any-where within the states of Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Tripura and Nagaland.

They are required to exercise option, if any, in terms of FR 22-1 (a)(i) within one month from the date of their joining as Audit Officer.

The transfer is in the interest of Public Service.

[ Authority : Accountant General (Audit)'s Orders dated 17-4-2000 at P 57<sup>N</sup> of File No.Sr.D.A.G.(A)/1-1/A.O./Part - I. ]

Sd/-

Sr. Deputy Accountant General (Admn).

Memo No. Estt./Audit/17-3/2000-2001/177

Dated : 14/2000.

\* Copy forwarded to the Comptroller and Auditor General of India, Post Bag No.7, Indraprastha Head Post Office - New Delhi - 110 002.

Sd/-

Sr. Deputy Accountant General (Admn).

Contd.....P/2

72

Memo No. Estt./Audit/17-3/2000-2001/178-193

Dated : 12/2000

Copy forwarded for information and necessary action to :-

1. The Pr. Director of Audit, N.E. Railway, Maligaon, Guwahati -11.
2. The Accountant General (Audit), Assam, Maidamgaon, Beltola, Guwahati-781 029. He is requested to hand over the enclosed personal copy to the Shri Ikramul Hussain, A.A.O and to direct him to report for joining in the Office of the Accountant General (Audit), Manipur, Imphal and intimate the date of release of Shri Hussain, A.A.O. He is requested further, to intimate the date of joining of Shri Jyotirmoy Chakraborty, Shri M.M.Saha, Sr.A.Os, and Shri J.L.Roy, A.O under orders of transfer to his Office. He is further requested to handover the enclosed personal copy to Shri P.B. Nag, Sr.A.O. and to release him with the direction to report to the O/o The A.G(Audit) Tripura, Agartala, for joining on transfer. Date of release of Shri P.B.Nag may also be intimated to this office for record. (Encls Two P.Cs.)
3. The Accountant General (Audit), Tripura, Agartala. He is requested to handover the enclosed Personal copies to Shri Sekhar Paul Choudhury, A.A.O, and Shri M.M.Saha, Sr.A.O and to intimate their date of release to this office for record. Also he is requested to intimate the date joining of Shri P.B. Nag, Sr.A.O, and R.N.Gosh, A.O under orders of transfer to his office. (Encls Two P.Cs.)
4. The Accountant General (Audit), Nagaland, Kohima. He is requested to hand over the enclosed personal copy to Shri Jyotirmoy Chakraborty, A.O and to intimate the date of his release. (Encls One P.C.)
5. The Accountant General (Audit), Manipur, Imphal. He is requested to hand over the enclosed personal copies to Shri J.L.Roy, and Shri R.N.Gosh, A.Os and to intimate their date of release to this office for record. He is requested further to intimate the date of joining of Shri Mihir Sen, and Shri Ikramul Hussain, A.A.Os under order of promotion as A.O in his office. (Encls Two P.Cs.)
6. The Deputy Accountant General (I-C), Shillong. He is requested to release Shri Sen from his wing.
7. The Deputy Accountant General (C & R and Works), Shillong.
8. The Secretary to the Accountant General (Audit), Shillong
9. The Pay and Accounts Officer (Local)
10. The Asstt. Audit Officer/Confid. Cell.
11. The Asstt. Audit Officer/E.D.P. Cell/Record.
12. The Asstt. Audit Officer/Estt.H.
13. Officers Concerned, Shri Ikramul Hussain, A.A.O.
14. S.B./P.C. Group.
15. Budget/G.L. Group.
16. Posting Group.
17. Office Order Book.

Dr/24/4/2000

  
Establishment Officer.

D.D. P1  
2

Received  
24/4/2000

B.C. Mon Spt  
617

- 12 -      Annexure K (contd.)  
(243)

**OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)  
MEGHALAYA, ETC., SHILLONG - 793 00**

Office Order No. Estt./Audit/97.

Dated: 21-08-2000.

The following Asstt. Audit Officers are promoted to officiate as Audit Officer, until further orders in the scale of pay of Rs. 7500-250-12000/- P.M. with effect from the date of their taking over charge as such in the offices noted against their names :

<u>Sl No.</u> <u>S/Shri.</u>	<u>Name and Designation.</u>	<u>Present place of Posting.</u>	<u>Place of Posting on Promotion.</u>
1.	Bhabendra Ram Das, AAO	O/o the A.G. (Audit) Assam, Guwahati.	O/o the A.G. (Audit), Manipur, Imphal, vice Shri B.N. Sharma, A.O. repatriated to the O/o the A.G.(Au), Assam, Guwahati.
2.	Sudeb Ch. Das, AAO	On deputation with O/o the A.G. (Audit) I, West Bengal, Calcutta	O/o the A.G. (Audit), Manipur, Imphal vice Shri Ghana Shyam Dutta, A.O. repatriated to the O/o the A.G. (Audit), Assam, Guwahati.
3.	Tushar Kanti Das, AAO	O/o the A.G. (Audit) Tripura, Agartala.	O/o the A.G. (Audit), Manipur, Imphal vice Shri Satyanath Patwari, A.O. repatriated to the O/o the A.G. (Audit) Assam, Guwahati.
4.	Arun Kumar Deb Nath, AAO	O/o the A.G. (Audit) Assam, Guwahati.	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Md. Ali Hussain, A.O. repatriated to the O/o the A.G. (Audit) Assam, Guwahati.

On their promotion as Audit Officer they are liable to be transferred to the Offices of the Accountants General (Audit): Meghalaya etc., Shillong; Assam, Guwahati; Tripura Agartala; Manipur, Imphal; Nagaland, Kohima; as well as Branch/Zonal Offices of those offices already in existence or will be formed in future and any where within the states of Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Tripura and Nagaland.

They are required to exercise option, if any, within one month in terms of F.R. 22-1 (a) (i), from the date of their joining as Audit Officer.

The transfer is in the interest of Public service.

[ Authority : Accountant General (Audit)'s orders dated 18-08-2000 at P/66 <sup>N</sup> of File No. D.A.G.(A)/1-1/A.O./Part-I. ]

Sd/-  
Deputy Accountant General (Admn).

Memo No. Estt./Audit/17-3/2000-2000/1684.

Copy forwarded to the Comptroller and Auditor General of India, Post Bag No. 7, India.  
Post Office, New Delhi - 110 002.

Dated

Sd/-

Deputy Accountant General (Admin)

Dated 22/03/2000  
22/03/2000

Memo No. Estt./Audit/17-3/2000-2001/1685-1705.

Copy forwarded for information and necessary action to :-

1. The Pr. Director of Audit, N.E. Railway, Maligaon, Guwahati - 11.  
2. The Accountant General (Audit), Assam, Beltola, Maidamgaon, Guwahati - 29. He is requested to hand over the enclosed P.C.s to officers concerned. The date of release of S/Shri B.R. Das and Arun Kumar Deb Nath, A.A.O.s as well as date of joining of officers under order of repatriation to his office may please be intimated to this office for record.

Encls : Two (2) P.C.s.

3. The Accountant General (Audit), Nagaland, Kohima. He is requested to hand over the enclosed P.C. to Shri Md. Ali Hussain, A.O. He is requested further to intimate the date of joining of Shri Arun Kumar Deb Nath, A.A.O. as A.O. in his office as well as the date of release of Shri Hussain, A.O., to this office for record.

Encls : One (1) P.C.

4. The Accountant General (Audit), Manipur, Imphal. He is requested to hand over the enclosed P.C.s to the officers concerned. He is requested further to intimate the date of their release and the date of joining of officers under orders of promotion as Audit Officers in his office for official record of this office.

Encls : Three (3) P.C.s.

5. The Accountant General (Audit), Tripura, Agartala. He is requested to hand over the enclosed P.C. to the officer concerned. He requested further to intimate the date of release of Shri T.K. Das, A.A.O. for official record of this office.

Encls : One (1) P.C.

6. The Accountant General (Audit) I, West Bengal 4, Brabourne Road, Calcutta 700 001. He is requested to release immediately Shri Sudeb Ch. Das, A.A.O. with the direction to report to the O/o the A.G. (Audit), Manipur, Imphal for joining as A.O. on promotion. This is not promotion under 'next below rule' so his promotion will be effective from the date of his taking over charge as A.O. in the aforesaid O/o the A.G. (Audit), Manipur, Imphal. The same may be intimated to the officer concerned. The enclosed Personal Copy may be handed over to Shri Das, A.A.O.

Encls : One (1) P.C.

7. The Secretary to the Accountant General (Audit), Shillong.  
8. The Asstt. Audit Officer/Confdl. Cell/ Record-I.  
9. S.B./P.C. Group.  
10. Posting Group.  
11. Budget Group / G.L. Group / Deptn. Group.  
12. Officers concerned.  
13. Office Order Book.

Establishment Office

To  
AAD/C-1

22/03/2000  
25/03/2000

- 14 -

**OFFICE OF THE ACCOUNTANT GENERAL**  
**MEGHALAYA, ETC., SHILLONG - 793 001**

Office Order No. Estt.I/Audit/161.

Dated : 06/01/2000

partial modification of this Office Order No. Estt.I/Audit/122, dated 11-10-99 the following Assistant Audit Officers/Section Officers are transferred to the offices noted against their names :-

<u>Sl. No.</u>	<u>Name &amp; Designation</u>	<u>Present place of Posting</u>	<u>Office in which transferred</u>
1.	Shri Subhash Ch. Bhattacharjee, S.O. (Au)	O/o the A.G. (Au) Tripura, Agartala.	O/o the Accountant General (Audit) Manipur, Imphal vice Shri Arun Ch Nath, S.O. (Au) repatriated to the O/o the A.G. (Au), Tripura, Agartala.
2.	Shri Pijush Kanti Das Gupta, A.A.O.	O/o the A.G. (Au) Tripura, Agartala.	O/o the Accountant General (Audit) Meghalaya, etc., Shillong, vice Shri Manindra Chakraborty, S.O. (Au) transferred to the O/o the A.G. (Au) Manipur, Imphal vice Shri Karunam Nath, S.O. (Au) repatriated to the O/o the A.G. (Audit) Tripura, Agartala.
3.	Shri Subhash Ch. Bhowmick, A.A.O.	O/o the A.G. (Au) Tripura, Agartala.	O/o the Accountant General (Audit) Assam, Guwahati, vice Shri Phukan Chandra Barman, S.O. (Au) transferred to the O/o the A.G. (Au) Manipur Imphal vice Shri Sunil Nath Choudhury, S.O. (Au) repatriated to the O/o the A.G. (Audit), Tripura, Agartala.
4.	Shri Moloy Bhusun Acharjee, A.A.O.	O/o the A.G. (Au) Tripura, Agartala.	O/o the Accountant General (Audit) Meghalaya, etc., Shillong, vice Shri N.K. Bhattacharjee, S.O. (Au) transferred to the O/o the A.G. (Au), Manipur, Imphal vice Shri Joydeep Ghosh, S.O. (Au) repatriated to O/o the A.G. (Au) Tripura, Agartala.

This transfer is in the interest of Public Service

Authority :- Accountant General (Audit)'s Orders dated 03-01-2000 at P/49 of 11  
No. Estt.I/Audit/12-3/99-2000. |

Sd/-  
Sr. Deputy Accountant General (Admin)

Encl. 1/860/442 dt. 17/1/2020

Memo No. Estt./Audit/12-3/99-2000/5728-38.

Dated :            /01/2000.

06 JAN 2000

Copy forwarded to :-

1. The Principal Director of Audit N.E. Railway, M. dig. on, Guwahati - 11.
  2. The Accountant General (Audit), Tripura, Agartala. S/Shri Subhash Ch. Bhattacharjee, S.O. (Au), P.K. Das Gupta, A.A.O., Subhash Ch. Bhowmick, A.A.O., and M.B. Acharjee, A.A.O. may please be released with instruction to report for their duties in the office noted against their names. The date of their release may please be intimated to this office for record. Enclosed personal copies may please be handed over to the Officials concerned (4 copies).
  3. The Accountant General (Audit), Manipur, Imphal. The date of release of S/Shri A.C. Nath, R. Nath, S. Nath Choudhury and Joydip Ghosh, S.Os may please be intimated to this office for record. Enclosed personal copies may please be handed over to the Officials concerned (4 copies).
  4. The Accountant General (Audit), Assam, Guwahati, Maidamgaon, Beltola, Guwahati - 29. The date of release of Shri P.C. Barman, S.O. (Au), may please be intimated to this office for record. The Enclose P.C. may please be handed over to the officer concerned (One copy).
- The P.A.O. Local. ....
- The Secretary to the Accountant General (Audit)
- The Deputy Accountant General (I-C).
- The Senior Audit Officer/Record & Claims.
- The Asstt. Audit Officer/F.stt. II, Contdl. Cell.
- SB/PC Group.
- Office Order Book.
- The Persons Concerned.

Donkey  
Establishment Officer.

Received Copy in 2/0  
in P.C. Barmen 50 (1c Group)  
100  
11/1/2020  
Ato/c-1

सत्यमेव जयते

Cham : AGAUDIT  
SHILLONG  
तार : सम्प्रेषण शिल्लॉन्ग  
TLEX NO : 237 238 AGAU  
FAX : 0364-223494  
PABX NO : 228861

-16-  
अरुणाचल प्रदेश एत मीज़ोरम का  
कार्यालय, शिल्लॉन्ग - 793 001  
OFFICE OF THE  
ACCOUNTANT GENERAL (AUDIT)  
MEGHALAYA, ARUNACHAL PRADESH AND  
MIZORAM. - SHILLONG - 793 001

संख्या

No. Estt.I/Audit/12-17/2000-2001/2013.

दिनांक

Dated : 12 SEP 2000

To

The Accountant General (Audit),  
Assam, Maidamgaon, Beltola,  
Guwahati - 29.

Sub -

Prayer for posting in Guwahati.

Sir:

With reference to your letter No. Admn/Audit/9-11/2000-2001/2095 dated 01-09-2000 on the subject noted above, I am to state that the request of Shri B.R. Das, Asstt. Audit Officer, for posting at Accountant General (Audit), Assam, Guwahati on promotion as Audit Officer has been considered but due to administrative reasons his request could not be acceded to Shri Das, Asstt. Audit Officer, may be released immediately with the instruction to report for duty in the O/o the Accountant General (Audit), Manipur, Imphal with a view to early repatriation of outstation officer under an intimation to this office.

This issues with the approval of the Accountant General (Audit).

Yours faithfully,

Deputy Accountant General (Admn)

## NOTICE

From: Santanu N. Tamuli  
Advocate

To  
Miss U. Das  
Addl CGSC  
CAT, Guwahati

Sub: → Rejoinder to the W.S. in OA No 125/2006  
(Guna Ram Kalita vs - UOI & ORs)

Madam,

Please find herewith a copy of the rejoinder  
in the above mentioned O.A. ie OA 125/2006 (Guna Ram Kalita  
vs - UOI & ORs)

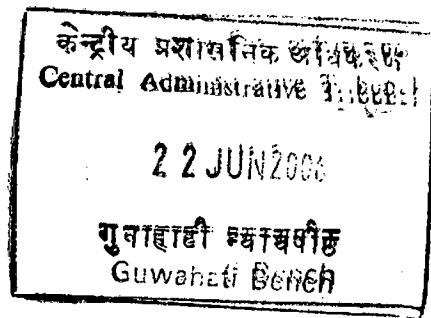
This is for your kind information and necessary  
action.

Yours Sincerely,

Santanu N. Tamuli  
Advocate

Reviewed  
Usha Das  
Addl CGSC  
(Miss U. Das) 13/6/06





1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA No. 125/2006

Shri Guna Ram Kalita & ors

.....applicants

-versus-

Union of India & ors

.....Respondents

IN THE MATTER OF

Additional Affidavit filed by the  
respondents against the rejoinder  
filed by the applicants

- 1) That the respondents have received a copy of the rejoinder and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below rests, may be treated as total denial. The statements, which are not borne on records, are also denied and the applicants are put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 1 of the rejoinder the respondents beg to submit that that on 28.02.1984 an Establishment order bearing No. Estt(M)/order No.302 dated 28.02.1984 was issued by the Accountant General, Meghalaya, etc. Shillong stating inter-alia that taking into account the preferences received by the

administration from the staff, suitability of the staff and administrative requirement, the Accounts Officer and Section Officers in the common cadre of the Accountant General, Assam, Accountant General, Meghalaya, Arunachal Pradesh and Mizoram, Accountant General, Tripura, Accountant General, Nagaland as shown in the Annexures I & II respectively, permanently transferred with effect from the afternoon of the 29<sup>th</sup> February 1984 to the Audit Office/cadre comprising of the following offices and the cadre of which will be controlled by the Accountant General, Assam, Meghalaya, Arunachal Pradesh and Mizoram.

- (i) Office of the Accountant General (Audit), Assam, Meghalaya, Arunachal Pradesh and Mizoram, Shillong
- (ii) Office of the Accountant General, Tripura, Agartala.
- (iii) Office of the Accountant General, Nagaland, Kohima.
- (iv) Office of the Accountant General, Manipur, Imphal.

It could be evident from the above, that there is a common cadre of Group 'B' officers in the Civil Audit Offices of the North Eastern Region which is controlled by the Pr.Accountant General, Meghalay, etc. Shillong.

To man the deficit offices, officers from other offices were transferred for tenure posting of 12/18 months. It is not the intention of the cadre controlling authority to transfer officers for the sake of transfer only. Once the officers serve the tenure posting to deficit offices he is reverted back to his original place of posting.

A copy of the Establishment Order dated 28/02/1984 is enclosed as Annexure-I.

3) That with regard to the statements made in paragraph 2 of the rejoinder the Respondents beg to submit that there is a common cadre of Group 'B' Officers in the Civil Audit Offices of the N.E. Region but there is no common cadre of Auditors and Clerks in the Civil Audit Offices of the N.E. Region. A copy of the office order regarding common cadre has already been annexed at Annexure-1.

4) That with regard to the statements made in paragraph 3 of the rejoinder the respondents beg to submit that it has been submitted in Para-4 of the counter affidavit, that the S.O's Grade Examination passed officials of different Audit Offices in the N.E. Region are considered for promotion to the post of Section Officer which is the entry point of Group 'B' combined cadre. The promotion to the post of Section Officers is made with the condition that the person concerned is liable to be transferred to any of the Audit Offices of the N.E. Region. If the above condition is not acceptable to any person he may not take the promotion. Once the person is promoted to the post of Section Officer and becomes a part of the common Group 'B' cadre in the Audit Offices of N.E. region, the office in which he belonged to, prior to such promotion is not relevant.

The intention of the Comptroller and Auditor General's office letter No.103/N2/127-88 dated 23/02/1990 was to disturb the least number of officers for administrative efficiency and economy. It is also not correct to state that there is no order of the competent authority constituting a common cadre. A copy of the order is annexed at Annexure-1.

It is also not correct to state that the condition of serving in any of the Audit Offices in N.E. region as included in the promotion order was a part of temporary arrangement to run the deficit offices. If the above

condition was not acceptable to any person he may not take the promotion. Thus on separation of Group 'B' cadres in the Civil Audit Offices of N.E. region and consequential permanent allocation/deputation to the deficit audit offices the applicants should not have been aggrieved.

5) That with regard to the statements made in paragraph 4 of the rejoinder the respondents beg to state that as stated in Para-2, there is a common cadre and therefore a common gradation list is prepared for promotion, etc. of group 'B' officers of the Civil Audit Offices of the N.E. region.

It is also not correct to state that there is any room for erstwhile juniors of one office to become seniors. The principle adopted in appointment to the post of S.O. has been laid down in para 5.7 of the C&AG's MSO(A) Vol-I (Administrative).

A copy of the said principle is annexed herewith and marked as Annexure-II.

It would be evident from the above, that the principle outlined in the Manual referred to above leave no scope for erstwhile juniors of one office to become seniors.

It has been stated in Para-2 that the orders dated 28/02/1994 was circulated to all the offices mentioned in the endorsement.

6) That with regard to the statements made in paragraph 5 of the rejoinder the respondents beg to state that while formulating the policy for separation of the Group 'B' cadres specially the A.A.Os and S.Os, it was taken into account that there exists vacancies in these cadres which had to be borne by different offices for non availability of qualified hands.

7) That with regard to the statements made in paragraph 6 of the rejoinder the respondents beg to submit that this is matter of records. It has already

been stated in Para-2 that there is a common cadre. There is also a promotion policy in existence. On the permanent separation of cadres, each individual office will consider the cases of promotion of eligible officers as per recruitment Rules of the cadre. Thus there is nothing more to be done for formulating any promotion policy.

8) That with regard to the statements made in paragraph 7 of the rejoinder the respondents beg to submit that the applicants have quoted only a portion of paragraph 5.6.1 of the C&AG's MSO(A) Vol-I. The full contents of paragraph 5.6.1 is reproduced below:

*"Each Civil Audit Offices and Civil Accounts Office and each Railway Audit office has its own Section Officers' except where any such office is re-organised into two or more independent offices and so long as the cadre is not separated for the offices into which it has been re-organised".* Thus the contention of the applicants is not based on facts.

It has been stated in paragraph 2 that there exists policy for promotion to various grades and therefore it is not necessary to make any change as suggested.

9) That with regard to the statements made in paragraph 8 of the rejoinder the respondents beg to rely and refer upon the statements made in paragraph 10 and 12 of the Written Statement.

10) That with regard to the statements made in paragraph 9 of the rejoinder the respondents beg to rely and refer upon the statement made in paragraph 13 of the Written Statement.

11) That with regard to the statements made in paragraph 10 of the rejoinder the respondents instead of repeating the contentions beg to rely and refer upon the statements made in paragraph 15, 16 and 17 of the Written Statement.

12) That with regard to the statements made in paragraph 11 of the rejoinder the respondents beg to submit that in view of the replies made herein above as well in the Written Statement, there is no legal ground for admitting the Original Application. No hazy or vague statement has been made anywhere under the scheme.

13) That in view of the statements made above as well as in the Written Statement the respondents pray before the Hon'ble Tribunal that the Hon'ble Tribunal may be pleased to dismiss the OA with heavy cost.

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- 7 -

## AFFIDAVIT

I Shri Debolina Thakur at  
present working as Deputy Accountant General (Admin) at Guwahati  
who is taking  
steps in the matter and duly authorized to sign the affidavit and hence  
competent to sign this Affidavit, do hereby solemnly affirm and state that the  
statement made in paragraph  
1, 12, 13 are true  
to my knowledge and belief, those made in paragraph  
2 to 11 being matter of records, are  
true to my information derived there from and the rest are my humble  
submission before this Hon'ble Tribunal. I have not suppressed any material  
fact.

And I sign this affidavit on this 20th day of June, 2006 at  
Guwahati.

Identified by

Usha Das.

Add Chs C.

Usha Das.  
**DEPONENT**

Solemnly affirm and state by the  
deponent who is identified by Miss  
Usha Das, Advocate on this 20th  
day of June, 2006 at Guwahati.

Annexure - E

- 8 -

9-25

to Estt. (M). 1/Order No. 302

OFFICE OF THE ACCOUNTANT GENERAL  
MEGHALAYA: ETC.: SHILLONG-793001

Dated:- 18.2.1984.

A reference is invited to the Notice issued by the Accountant General, Meghalaya, Arunachal Pradesh and Mizoram and Accountant General, Assam vide No. Estt (M). 1/512 dated 29/12/83 and the Manual of Instructions for Restructuring of cadres in I.A.A.D. on the re-organisation of the combined Audit and Accounts offices into separate (i) Accounts & Entitlement offices, and (ii) Audit offices under Accountants General with cadres of their own.

2. Taking into account the preferences received by the Administration from the staff, the suitability of staff and the administrative requirements, the Accounts Officer and Section Officers in the common cadre of Accountant General, Assam, Accountant General, Meghalaya, A.F. & Mizoram, A.G. Tripura, A.G. Nagaland, and A.G. Manipur shown in the Annexures I & II respectively are permanently transferred with effect from the afternoon of 19th February, 1984 to the Audit Office/cadre comprising of the following offices and the cadre of which will be controlled by the Accountant General (Audit) Assam, Meghalaya, Arunachal Pradesh and Mizoram.

- i) Office of the A.G. (Audit) Assam, Meghalaya, Arunachal Pradesh and Mizoram, Shillong.
- ii) Office of the A.G. Tripura, Agartala.
- iii) Office of the A.G. Nagaland, Kohima.
- iv) Office of the A.G. Manipur, Imphal.

3. Their transfer to the above Audit Office is final and the concerned persons have no right to seek reversion to their parent cadre/office or the new Accounts & Entitlement office(s). On their transfer, the confirmed officials will carry their lien with them on the permanent post held by them as shown in the Annexures.

4. The persons transferred under this order will prepare a detailed handing over memo indicating the state of the work which is their responsibility at the time of his/her transfer and also prepare a list of records handed over.

Copy

P.S.



7-25

-9-

92

-2-

5. Formal appointment orders in the Audit Cadre for the persons transferred under this order will be issued by the Accountant General (Audit) Assam, Meghalaya, etc.;

*Mamphai*

Accountant General,  
Assam.

.... Cadre Controlling Authority.  
Dated:- 28.2.1984.

Memo No. Bastt (M) 1/7059-69

Copy forwarded to:-

1. The Director of Audit, N.F. Railway Maligaon, Assam.
2. The Accountant General (Audit) Assam, Meghalaya and Mizoram, Shillong.
3. The Deputy Accountant General (Admn.) O/O the A.G. Assam, Shillong.
4. The A.G. Tripura, Agartala.
5. The A.G. Manipur, Imphal.
6. The A.G. Nagaland, Kohima.
7. Persons concerned.
8. The Pay and Accounts Officer (Local).
9. Bk. Order Book.
10. Bk. Officer.
11. The Deputy Accountant General (I) O/O the A.G. Assam, Christian Basti, Gauhati.
- ✓ 12. Notice Boards.

*Shatyaoli*

Sr. Deputy Accountant General (Admn.)  
....

नियमित अनुभाग अधिकारी की तरह प्रचार प्रसार करने के पश्चात् ही प्रेषित होती है।

- (iv) किसी कार्यालय में एक या सीधी भर्ती किये गये अनुभाग अधिकारी की वीरता निर्धारित हो जाने के पश्चात् वह आगे प्रगति के लिये उनकी प्रावधानों द्वारा नियंत्रित होता है, जो अन्य अनुभाग अधिकारियों के लिये निर्धारित किए गए हैं।

5.7 निम्नलिखित सिद्धान्त एक ही परीक्षा में उत्तीर्ण होने वाले विभिन्न वर्गों के व्यक्तियों के अनुभाग अधिकारियों के पदों पर नियुक्त करने के क्रम में अपनाये जायेंगे।

- (क) सीधे भर्ती किये गये लेखापरीक्षकों/लेखाकारों के मामले में उनके अनुभाग अधिकारी के पद में नियुक्त किये जाने के लिये के निश्चय का आधार केन्द्र लेखापरीक्षक/लेखाकार की तरह सेवा की सम्पूर्ण अवधि द्वारा निर्धारित की गयी परिणता हो होगी। इस सम्बन्ध में उनकी परिणता तथा लेखापरीक्षकों/लेखाकारों के लिये विभागीय परीक्षा को उत्तीर्ण करने में उनके द्वारा किये गये प्रयत्नों की संख्या की कोई भूमिका नहीं होगी। परन्तु एक ही समय (पैनल) में भर्ती किये गये लेखापरीक्षकों/लेखाकारों के मामले में चयनक (पैनल) में उनकी क्रम के स्थिति के आधार पर उनके प्रदान की गयी परिणता उन्नत पद में नियुक्त किये जाने का आधार होगी, परन्तु यह परिणता उन्नत पद में प्रभाव के अधीन होगी जो किसी अभ्यर्थी द्वारा विहित समय सीमा के अन्तर्गत कार्यभार न पहन करने की स्थिति के संदर्भ में अभिक्रियित की गयी है। (संख. 1778-एन 2/193-65 दिनांक 24-8-1967)। तथापि, अपनी प्रार्थना पर एक कार्यालय से दूसरे कार्यालय में स्थानान्तरण के मामले में पदक्रम सूची में परिणता ही मापदण्ड होगी।

- (ख) उन लेखापरीक्षकों/लेखाकारों के मामले में जिनके लिपिक संचार से प्रोन्नत किया गया है, 6 वर्ष तक लिपिक के पद की सेवा को छोड़ दिया जायेगा और वह ही लिपिक के संचार की सेवा की अवधि को परिणता निर्धारण के उद्देश्य के लिये लेखापरीक्षक/लेखाकार की सेवा की गणना में लिया जायेगा।

- (ग) मण्डलीय लेखाकार तथा सहायक मण्डलीय लेखाकार के पद पर की गयी सेवा को लेखाकार की सेवा के समान माना जायेगा परन्तु सीधी भर्ती किये गये मण्डलीय लेखाकारों के मामले में सेवा, उनके नियमित मण्डलीय लेखाकारों की

also effective on his actually taking over charge as a regular Section Officer.

- (iv) Once the seniority of a directly recruited Section Officer is fixed in an office, he is, for further advancement, governed by the same provisions as laid down for other Section Officers.

5.7 the following principles shall be adopted in appointment to the posts of Section Officers, the various classes of persons who pass in the same examination:

- (a) In the case of directly recruited Auditors/Accountants, the seniority by total length of service as Auditor/Accountant alone irrespective of their seniority and irrespective of total number of chances they have taken in passing the Departmental Examination for Auditors/Accountants will be the determining factor for their claim for appointment to the post of Section Officer. But in the case of Auditors/Accountants recruited from the same panel the seniority assigned to them on the basis of their position in the panel would be the criteria for appointment to the above post subject to any loss of seniority which is envisaged if a candidate does not join within the prescribed time limit (No. 1778-N.2/193-65 dated 24-8-1967). However, in case of transfer from one office to another at one's own request, the seniority in the gradation list will be the criterion.

- (b) In the case of those Auditors/Accountants who have been promoted from Clerks' cadre, service as Clerks up to six years will be ignored and thereafter Service in the clerks' cadre will be counted as Auditors/Accountants Service for purpose of determining seniority.

- (c) Service as Divisional Accountants and Selection Grade Divisional Accountants shall be equated to service as Accountants but in the case of directly recruited Divisional Accountants, service shall count only from the date they

तरह प्रसार ग्रहण करने की तिथि से आकलित की जायेगी। इस उद्देश्य के लिए शा. नि. वि. में उच्च श्रेणी लिपिक के पद पर सेवल निम्नर सेवकों का अकलन हेतु दि. १४ किया जाता है। उस स्थिति में जहाँ लेखाकार या मण्डलीय लेखाकार दोनों के लिए प्रभावी तिथि एक ही पड़ती है, मण्डलीय लेखाकार को ले. १४ से बचिष्ठ स्थान पाना चाहिये।

(घ) आधुनिक के पद पर सेवा को सम्बन्धित व्यक्ति के स्नातक होने अथवा स्नातक से कम शिक्षा होने के आधार पर प्रमोशन: लेखापरीक्षक/लेखाकार लिपिक सेवा के समान माना जायेगा। इसमें कैम्पैक्टक सहायक, व्यवस्था (टैक्निक एवं साइकलोगिस्टिक समुच्चय) आदि जैसी उच्च श्रेणी में सेवा सम्मिलित है। सेवा में रह किसी आधुनिक द्वारा उत्तीर्ण की गयी स्नातक परीक्षा के परीक्षाफल की घोषणा की तिथि का आकलन बचिष्ठता निर्धारित के उद्देश्य हेतु लेखापरीक्षक/लेखाकार के पद से समानता निकाल में करना चाहिये।

विशेषता: इस उद्देश्य हेतु लेखापरीक्षक/लेखाकार के पद पर सेवा तथा लिपिक के पद पर सेवा के बीच से भी की जायेगी तथा लेखापरीक्षक विभाग में लेखापरीक्षक/लेखाकार या लिपिक की है। जो कभी है, तबों हमने कभी भी इस प्रकार की गयी सेवा सम्मिलित नहीं है। लेखापरीक्षक/लेखाकार के पद से उच्चतर या नीचे श्रेणी लेखापरीक्षक/लेखाकार तथा लेखाकार की तरह की गयी सेवा सम्मिलित है।

निम्नलिखित प्रमाणों के बिना इस पर के अधिकार बचिष्ठता निर्धारित करने के उद्देश्य हेतु कोई भी प्रमाण प्रमाण नहीं माना जायेगा।

### 5.8 रिजर्व पदों में आरक्षण

5.8.1 अनुभाग अधिकारी की सेवाओं में नियुक्ति, अनुसूचित जाति तथा जनजात सदस्यों के पक्ष में रिजर्व स्थानों के आरक्षण को विनियमित करने वाले आदेशों के उद्देश्य के लिए विषयगत प्रोन्नति है। परन्तु इस मामले में जहाँ नियुक्ति सीधी भर्ती द्वारा भी की है, वहाँ नियुक्ति अधिकारी को अनुभाग अधिकारियों की सेवा में इन समुच्चयों के अनुसूचित प्रतिनिधित्व पर उचित ध्यान देना चाहिये। इस उद्देश्य के लिए सेवागत अनुसूचित जातियों तथा अनुसूचित जनजातियों हेतु आरक्षण पर पुस्तिका (निर्देशिका संस्करण) में सम्बन्ध में निहित निर्देशों में सम्मिलित समस्त संघटकों को ध्यान में रखना

begin to hold charge as regular Divisional Accountant. Only continuous service as Upper Division Clerk in P.W.D. is taken into consideration for this purpose. In case where the effective date is the same for both Accountant and Divisional Accountant, the Divisional Accountant should rank senior to the Accountant.

(d) Service as Stenographer shall be equated to service as Auditor/Accountant or clerk according as the person concerned is a graduate or under graduate. It will also include the service in the higher grades like Personal Assistant, Manager (Typing & Cyclostyling Pool), etc. The date of declaration of the results of the degree examination passed by a Stenographer, while in service, should be taken into account for purposes of fixation of his seniority vis-a-vis Auditor/Accountant.

Note 1: Service as Auditor/Accountant and service as Clerk, referred to above, means service as Auditor/Accountant and Clerk in the LA&AD and does not include service as such anywhere else. Service as Auditor/Accountant also includes service in the higher grades such as Senior Auditor/Senior Accountant and Supervisor.

Note 2: Penalties like reduction in rank, do not have adverse cumulative effect for the purpose of reckoning seniority under this part.

### 5.8 Reservation of Vacancies

5.8.1 Appointment to the Section Officers' Service is departmental promotion for purposes of the orders governing reservation of vacancies in favour of the members of the Scheduled Castes and Scheduled Tribes; but in case, appointment is also made by direct recruitment, the appointing authority shall pay due regard to the proper and adequate representation of these communities in the Section Officers' Service. For this purpose, all the factors included in the instructions contained in this behalf, in the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services (latest edition) shall be taken into account.

12-11 7-25  
केवल भा० वी० तथा ले० वी० विभाग  
में प्रयोग के लिए

For Use of I.A. & A.D. only

नियंत्रक-महालेखापरीक्षक के स्थायी  
आदेशों की नियम पुस्तिका  
(प्रशासकीय)

Comptroller and Auditor General's  
Manual of Standing Orders  
(Administrative)

खण्ड I

Volume I

(तृतीय संस्करण)

(Third Edition)

भारत के नियंत्रक-महालेखापरीक्षक के प्राधिकार से जारी किया गया  
Issued by the Authority of the Comptroller and Auditor General of India

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भारत के नियंत्रक तथा महालेखापरीक्षक  
Comptroller & Auditor General of India

Notice

Date - 20/6/06<sup>ax</sup>

From, Usha Das.  
Addl CHSC

To, Mr. J. L. Sankare  
Mr. S. Tasmali

Advocates

Sub: ~~the~~ Affidavit filed in OA no. 125/06

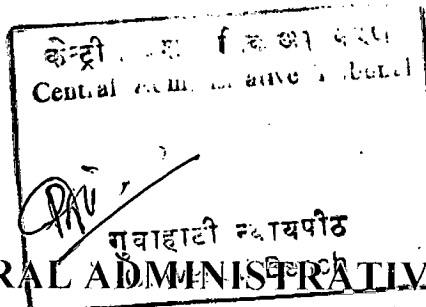
Sir,  
Please find herewith a copy  
of Affidavit to the rejoinder  
filed by the respondents. Kindly  
acknowledge the receipt.

Sincerely Yours  
Usha Das.  
Addl CHSC.

Received copy

Received  
20/6/06

Advocate



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI**

**OA NO-125/2006**

**SHRI GUNARAM KALITA & OTHERS**

**APPLICANTS**

**-VERSUS-**

**UNION OF INDIA & OTHERS**

**RESPONDENTS**

**REPLY TO THE ADDITIONAL AFFIDAVIT OF THE RESPONDENTS**

- 1 That the applicants have gone through the additional affidavit of the respondents and understood the contents thereof.
- 2 That before replying to the statements in the additional affidavit, the applicants beg to state that the respondents have been acting in a way that shows their utter confusion and contradictions. The case of the applicants is that cadres have been functioning in their base offices as per base office concept (Base Office being the office from which an employee passes the SOG Examination).

In the year 1981 a scheme for separation of combined cadre in the offices of the Accountants General at Shillong, Imphal, Kohima and Agartala was worked out and the cadres were formally separated. However, even after that the phrase 'combined cadre' has been often used as 'common cadre', which in fact has no existence.

The respondents have been working in a way that reflects contradiction and confusion because under official requirements Group 'B' officers were required to be rotated from their Base Offices to the Deficit Offices. As such transfers/ non-transfers caused grievances among some Group 'B' officers. The Respondent Offices worked out another scheme circulated on 31.03-2006, which is impugned in the present way.

However the Comptroller and Auditor General (C&AG) of India was very much aware of the functioning of Group B cadres on "Base Office" concept and "Sanctioned Strength" and decided that Cadre separation would be done on the basis of 'Base Office' concept, as communicated by

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Filed by the applicants  
through S.N. Tumuli  
(Advocate) 27/6/2006

the Accountant General (A&E) Assam, Guwahati vide D.O.No.AG/Seperation/Gr.'B'/ 2006/122 dated 23-01-06 to the Accountant General (A&E) Manipur ,Imphal.

Copy enclosed as annexure-L

3. That in reply to statements in paras 2 & 3 of respondents' additional affidavit, it is stated that the respondents are trying to confuse by submitting Annexure I (No. Estt. (M) 1/ order No.302 dt.28-02-84) which relates to the decision of the CAG of India with regard to restructuring of the IA & AD into two separate Audit and Accounts & Entitlement offices within IA & AD. Accordingly, preferences for allocation in Audit/ Accounts & Entitlement office were called for from the staff of the then existing combined office of Audit and Accounts for placement in either office. There were separate cadres under the Accountants General. What was separated in 1984 were the cadres for Audit and Accounts.
4. That it is stated in reply to statement in para 4 of the additional affidavit that the office from which a person is promoted to the post of Section Officer is very much relevant since in terms of para 5.6.1 of CAG' s MSO (Administrative) Vol.I, each Civil Audit Office and Civil Accounts Office has its own Section Officers Cadre and the exception referred to in para 5.6.1 ibid is not relevant as the already reorganised separated independent Audit Offices (viz. (i) AG, Manipur, Imphal (ii) AG, Tripura, Agartala (iii) AG, Nagaland, Kohima (iv) AG, Assam, Guwahati and (v) AG, Meghalaya,etc. Shillong..) of the NE Region are in existence

Correctness of the respondents' statement that it is not correct to state that there is no order of the competent authority constituting a common cadre is denied.

The appended Annexure I is not at all an order of a Competent Authority constituting a common cadre as it only relates to reorganisation of the combined Audit and Accounts offices of NE Region into separate (i) Accounts & Entitlement Offices and (ii) Audit Offices. The statement in paras 2 & 3 above are reiterated

In this connection the applicants beg to refer to Annexure 7 in OA.No.115/2006 of the Hon'ble Tribunal (regarding Accounts Side in the matter). The respondents filed duly verified statements by way of W.S. in OA No.14/ 2006.The said W.S.stated and reiterated the existence and functioning of separate offices and cadres as 'Base Offices'. The transfers have been made as a policy on 'Base Office' principle.

For convenience of reference the said W.S in OA No. 14/2006 is enclosed as Annexure-M



5. That in reply to statement in para 5 of the additional affidavit, the applicants reiterate their statement in para 4 of their rejoinder.

It is reiterated that if the total number of optees for a particular office is within the sanctioned strength of that cadre of that office, declaring surplus with reference to the substituted term of 'required strength' would be violative of existing norm and amount to denial of justice

6. That in reply to statements in paras 6 & 7 of the additional affidavit, the statements in the applicants' rejoinder are reiterated.

7. That it is stated in reply to statement in para 8 of respondents' additional affidavit that the office from which a person is promoted to the post of Section Officer is his cadre office called base office in already reorganized separated independent Audit Offices (viz. (i) AG, Manipur, Imphal (ii) AG, Tripura, Agartala (iii) AG, Nagaland, Kohima (iv) AG, Assam, Guwahati and (v) AG, Meghalaya etc., Shillong,) of the NE Region. It is stated that under para 5.6.1 of CAG' MSO (Administrative) Vol.1 these offices / cadres have not been further separated into more independent offices,. except the office at sl no (v)

8. That in reply to paras 9, 10,11,12 and 13 of the respondents' additional affidavit the applicants reiterate the statements in the rejoinder and in paras-4.11, 4.16,4.17,4.19,4.20,4.21 of the O.A.

VERIFICATION

I Shri Guna Ram Kalita, Son of Late G.C. Kalita aged about 50 years working as Assistant Audit Officer in the Office of the Principal Accountant General (Audit) Assam, Guwahati do hereby verify that the statements made in paragraphs 1 to 8 are true to my knowledge. I have been authorized by other applicants to sign this verification on their behalf, which I do accordingly.

Guwahati

*Guna Ram Kalita*

Signature

CONFIDENTIAL

A.G. Secretariat

Diry No. / 412  
Date - 18/1/2006

महालेखाकार ( ले एवं ह ) असम  
Accountant General (A & E) Assam  
मैदामगांव, बेलतोल्ला, गुवाहाटी - 781008  
Maidamgaon, Beltola, Guwahati-7810

D.O. No: AG/Separation/Gr. 'B' /2006/ 22  
Dated Guwahati the 19<sup>th</sup> Jan, 2006.

भजन सिंह  
BHAJAN SINGH

23 JAN 2006

Dear Sir,

Please find enclosed Modalities alongwith Appendix / Annexures (I, II, III, IV ) and also a floppy listing out the options in respect of each office for separation of existing common Group 'B' Cadre of the A&E offices of the North East .

You are requested to convey your comments / suggestions in this regard at an early date so that a meeting on this issue can be held at an early date but not later than 10<sup>th</sup> Feb, 2006 so that thereafter a final proposal for Cadre Separation can be then sent for Headquarters office approval.

The matter may please be treated as most urgent.

With Best Regards

Yours sincerely,

*[Signature]*

Shri P.K. Kataria,  
Accountant General (Audit) Manipur,  
Imphal : 795 001.

Affected  
Bimal  
(Advocate)

-6-

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APPENDIX

THE MODALITIES FOR SEPARATION OF THE COMMON  
CADRE OF GROUP 'B' OFFICERS IN A&E OFFICES IN THE  
NORTH EAST OFFICES.

1. The Cadre separation will be done on the basis of Base office concept as already agreed to by Headquarters office.
2. The Base Office will be the office from where SOGE was passed by the SO/AAO/AO/Sr.A.O. as the case may be.
3. The Cadre is to be separated on the basis of Base Cadre i.e. A.O. Cadre will be treated as one Cadre in respect of Sr. A.O./A.O. for separation. Similar position will also be in respect of AAO/S.O. Cadre.
4. The officers will be allocated to an office on the basis of base office and also on the basis of options for base office as 1<sup>st</sup> option. However, where the number of optees is more than the sanctioned strength of a particular office, the excess optees may be kept in a waiting list for future accommodation on the basis of availability of subsequent vacancies in that office.
5. Wait list will consist of officers whose 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> option could not be satisfied for choice of posting or who could not be posted in their base office.
6. In deficit offices where number of optees is less than the sanctioned strength, the officers may be allocated to that office on the basis of Base office concept to fill up the gap irrespective of the option.
7. In surplus offices, future promotions to a particular post would be allowed after exhausting the waiting list.
8. The wait listed officers would be in the meanwhile posted to deficit offices i.e. in the offices where number of optees is less than the sanctioned strength as per their alternative preferences subject to administrative convenience.
9. If still any vacancies remain unfilled in a particular office after taking into account the number of wait listed officers posted in that office, these vacancies may be filled by deputation/absorption/promotion or if considered appropriate by direct recruitment at the level of Section Officer.
10. The cut-off date for the separation of Cadre should be notified. We feel that the cut-off date of 01/04/2006 will be most appropriate and realistic.

*Base 2 Concept*

কেন্দ্রীয় প্রশাসনিক অধিদপ্তর  
 Central Administrative Tribunal  
 BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 গুৱাহাটী ন্যায়পীঠ  
 GUWAHATI BENCH, GUWAHATI

Filed by  
 the Respondents  
 through  
 Mr. Debasish Chakraborty  
 19/4/06

O.A. NO. 14 OF 2006

**Sri DEBASISH CHAKRABORTY**

..Applicant

-vs-  
Union of India & Ors ..Respondents.

The written statement on behalf of the Respondents above named -

**WRITTEN STATEMENT FILED BY THE RESPONDENTS**

- 1) That the respondents have received a copy of the OA and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below rests may be treated as total denial. The statements, which are not borne on records are also denied and the applicant is put to the strictest proof thereof.
- 2) That before going through various statements of the OA, the respondents would like to give the brief history of the case -

Shri Debasish Chakraborty, AAO Nagaland based official joined as Auditor in the Office of the Accountant General, Nagaland, Kohima on 21.10.1976. He was promoted as Section Officer 15.06.1992 and transferred to the Office of the Accountant General Meghalaya Shillong. He was promoted as Asstt. Audit Officer with effect from 05.06.1995. With the creation of the Office of the Accountant General (Audit), Assam, Guwahati Shri Chakraborty was transferred to the Office of the Accountant General (Audit), Assam, Guwahati on the basis of his application 08.08.1997.

To facilitate repatriation of Shri Subrata Sutradhar Section Officer (Audit), a Guwahati based Officer who was serving in Nagaland, Shri Debasish Chakraborty, Asstt. Audit Officer was transferred to the Office of the Accountant General (Audit), Nagaland, Kohima. On receipt of aforesaid order Shri Chakraborty, submitted a representation addressed to the Pr. A.G. (Audit), Assam, Guwahati and the same was duly considered and rejected.

Aggrieved by the aforesaid orders, Shri Debasish Chakraborty, A.A.O. moved the Hon'ble Central Administrative Tribunal Guwahati Bench and obtained a stay order.

Attested  
 (Signature)  
 (Advocate)

PRELIMINARY SUBMISSION

- 3) That the respondents beg to submit that the Hon'ble Tribunal may not be pleased to interfere with the matter of transfer as it is a well settled proposition of law that transfer of a Government Servant who is in a transferable post is an incident of service and the employer is the best judge of utilizing his services. Transfer is not a punishment as it is not included as one of the penalties in the C.C.S. (C.C.A) Rules, 1965. The scope of interference is limited in as much as the courts should not interfere in the judgment exercised by the administrative authorities unless the impugned transfer order has been passed in violation of the Statutory rules/instruction or having been passed by an authority which was not competent to pass such an order or it has been passed on extraneous or collateral grounds or suffers from the vice of malafides on the part of the authority who has passed or approved the order. It is the well settled law that transfer of a public servant made on administrative grounds or in public interest should not be interfered with unless there are strong and pressing grounds rendering the transfer order illegal on the ground of statutory rules or on grounds of malafides.
- 4) That with regard to the statement made in paragraph 1;2 and 3 of the OA, the respondents beg to offer no comment.
- 5) That with regard to the statement made in paragraph 4.1 of the OA, the respondents beg to offer no comment.
- 6) That with regard to the statement made in paragraph 4.2 & 4.3 of the OA, the respondents beg to state that there is no such service as Accounts and Audit Service. The applicant joined in the A.G., Nagaland, Kohima as Auditor in the year 1976. Consequent on his passing S.O.G. Exam in the year 1992, the applicant along with other 11 (eleven) officials were promoted and posted to various As.G. offices of North Eastern Region. From the promotion order itself it would be evident that none of them was posted to Nagaland office either due to non-availability of vacancies or none was due for repatriation.
- 7) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to state that with the creation of the A.G.(Audit) Assam, Guwahati w.e.f. 02.07.1997 and on the basis of his preference, the applicant was transferred to the O/O the A.G. (Audit), Assam, Guwahati.

A copy of his representation for transfer to the O/O the A.G. (Audit), Assam, Guwahati is annexed herewith and marked as Annexure-R1.

- 8) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to state that the applicant's statement that he had already served in hard station like Kohima and Shillong is not based on facts. The applicant is a Nagaland based officer but was brought out of Nagaland on promotion due to non-availability of vacancies in Nagaland. Subsequently, on the basis of his application, he was transferred to the O/O the A.G. (Audit), Assam, Guwahati. Now the applicant is to go back to his office to facilitate repatriation of Guwahati based Officer.
- 9) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to state that the policy stated to have been formulated by the respondents relates to the O/O the A.G. (A&E), Assam, Guwahati and other offices of North Eastern Region of Accounts stream. This has nothing to do with the Audit Stream which is a different entity altogether.
- 10) That with regard to the statement made in paragraph 4.7 & 4.8 of the OA, the respondents beg to state that the intention of the department is to rotate the Nagaland based officers out of Nagaland for brief period of time. Such officers then to be repatriated back to Nagaland to facilitate the similar transfer of other Nagaland based officers/or to facilitate the repatriation of officers of other offices.
- 11) That with regard to the statement made in paragraph 4.8A & 4.9 of the OA, the respondent beg to submit that the representation submitted by the applicant was duly considered by the Pr.A.G.(Audit), Meghalaya, Arunachal Pradesh and Mizoram. The same was rejected after application of mind and communicated to the Pr. A.G. (Audit), Assam, Guwahati. Thus it is denied that the applicant's representation was rejected by a cryptic and non-speaking order.
- 12) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to state that it would be evident from Annexure annexed with the application that the same is a report on the state of Accounts and Entitlement function in the North East. The applicant being as Asstt. Audit Officer of the Audit Office, which is a distinctly separate entity from Accounts and Entitlement function, has nothing to do with the applicant's transfer order.

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- 13) That with regard to the statement made in paragraph 4.11 of the O.A, the respondents beg to state that respondents are not bound to transfer back Nagaland based officials from Kohima after a period of about 18/24 months. A list of the names of Assistant Audit Officers who were never transferred from Nagaland is annexed herewith. Thus the contention of the applicant is stoutly denied.
- A copy of the said list is annexed herewith and marked as **Annexure-R2.**
- 14) That with regard to the statement made in paragraph 4.12 of the OA, the respondents beg to submit that the decision of the Hon'ble CAT, Guwahati in the case of Shri Tridip Rn Dey in OA No. 86 of 1996 who is a member of the Accounts Stream has no bearing in this case. Instead, attention of this Hon 'ble CAT is drawn to the decision of CAT, Calcutta which has opined that transfer is an incident of service and since the applicants are admittedly holding transferable jobs, dismissed the prayers for quashing the order of transfer.
- 15) That with regard to the statement made in paragraph 4.13 of the OA, the respondents beg to submit that there was no breach of system or Rules in transferring the applicant to Nagaland office. His application-dated 05.01.2006 was also considered and rejected by the Pr. A.G. (Audit), Meghalaya etc., Shillong. The same was intimated to the Pr. A.G.(Audit), Assam, Guwahati.
- 16) That with regard to the statenient made in paragraph 4.14 of the OA, the humble respondents beg to state that to facilitate smooth repatriation of the officers who are working outside their base offices, the cadre controlling Authority transfers officers from various stations from time to time. Due to grant of stay by this Hon'ble Tribunal the repatriation of Shri Sutradhar has been unduly delayed. However, to mitigate the hardship of Shri Sutradhar, the officer was transferred back to his base office. But the office of the Accountant General (Audit), Nagaland had to run with shortage of man power. The applicant was transferred on bonafide grounds and in public interest to the office of the Accountant General (Audit), Nagaland, Kohima.
- 17) That with regard to the statement made in paragraph 4.15 of the OA, the respondents beg to state that to facilitate smooth repatriation of the



officers who are working outside their base offices, the cadre controlling Authority transfers officers from various stations from time to time. Due to grant of stay by this Hon'ble Tribunal the repatriation of Shri Subrata Sutradhar has been delayed. However, to mitigate the hardship of Shri Sutradhar, the officer was transferred back to his base office. But the office of the Accountant General (Audit), Nagaland had to run with shortage of man power. The applicant was transferred on bonafide grounds and in public interest to the office of the Accountant General (Audit), Nagaland, Kohima. In reply to the orders of the Hon'ble Tribunal dated 17.01.2006 the respondents beg to submit that the Asstt. Audit Officers of Nagaland Office who were serving out of their base office for the longest period of time were transferred back to Nagaland to facilitate the repatriation of three Guwahati based officers. Of the three Nagaland based officers who were transferred, one Shri N.C. Roy has already reported for duty in Nagaland.

- 18) That with regard to the statement made in paragraph 4.16 of the OA, the respondents beg to state that considering the facts and circumstances of the case narrated above the present transfer order has not violated provisions of AR. 14, 16(1), 21 and 309 of the Constitution of India.

In this connection the respondents beg to further submit that the Hon'ble Apex Court at para 4 of the judgment in the case of Mrs. Shilpi Bose Vs. State of Bihar (AIR 1991 SC 532) have been pleased to observe as follows:

"In our opinion the courts should not interfere with a transfer order which are made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rules or on the grounds of malafide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. The transfer orders issued by the Competent Authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order, instead the affected party should approach the higher authorities in the Department. If the courts continue to interfere with day to day transfer orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration, which would not be conducive to public interests".

The attention of the Hon'ble Tribunal is also drawn to the case of Gujarat Electricity Board vs. Atmaram Sangomal Poshani (1989) 2 SCC 602: 1989 SCC

(L&S) 393, the Hon'ble Supreme Court observed as under: "Transfer of a Government Servant appointed to a particular cadre of transferable posts from one place to other would generally be a condition of service and the employee has no choice in the matter. Transfer from one place to another is necessary in public interest and efficiency of public administration. Wherever a public servant is transferred, he must comply with the order, but if there is any genuine difficulty in proceeding on transfer, it is open to him to make representation to the competent authority for stay, modification or cancellation of the transfer order if the order of transfer is not stayed, modified or cancelled, the concerned public servant must carry out the order of transfer. In the absence of any stay of the transfer order, a public servant has no justification to avoid or evade the transfer order, a public servant has no justification to avoid or evade the transfer order merely on the ground of having made a representation or on the ground of his difficulty in moving from one place to the other. If he fails to proceed on transfer in compliance with the transfer order, he would expose himself to disciplinary action under the relevant rules" as has happened in the instant case. The respondent lost his service as he refused to comply with the order of his transfer from one place to the other.

The above decision was followed by the Hon'ble CAT, Jodhpur Bench in the case of Shri Mahendra Kishore Sharma Vs. Union of India and other (1992) 20 ATC 66 dated of judgment 05.12.1991.

- 19) That with regard to the statement made in paragraph 4.17 of the OA, the respondents beg to state that the personal problem of the applicant may be genuine, but the illness of his mother is obviously a continuing problem and he has to make other arrangements for looking after these problems and on these grounds he cannot be allowed to block the repatriation of another Guwahati based officer who is to join in Guwahati after completion of his tenure in Nagaland.
- 20) That with regard to the statement made in paragraph 4.18 of the OA, the respondents beg to state that there was no breach of administrative justice and fairness in the transfer order.
- 21) That with regard to the statement made in paragraph 4.19 of the OA, the respondents beg to state that the applicant has failed to make out a case justifying and interference by the Hon'ble Court and as such the stay order granted to the applicant may be revoked.

VERIFICATION

I, Shri F. Syiemlieh aged about 36 years at present working as Deputy Accountant General (Admn), O/o the Pr. Accountant General (Audit), Meghalaya etc., Shillong who is taking steps in this case, being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statement made in paragraph 1 and 21 are true to my knowledge and belief. Those made in paragraph 2 to 20 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 7 the day of April 2006 at Shillong.

*[Signature]*  
7/4/06

DEPONENT

Deputy Accountant General (Admn),  
O/o the Principal Accountant General (Audit),  
Meghalaya, Arunachal Pradesh and  
Mizoram, Shillong-1.

To

The Pr. Accountant General (Audit),  
Meghalaya, Arunachal Pradesh and  
Mizoram,  
Shillong.

Sub : Willingness for transfer to Guwahati office.

Madam,

In inviting a reference to the Administration Circular No. Estt.1/Audit/4-8/97-98/2195 dtd. 30.07.97, I am to offer my willingness for transfer to Guwahati office. Necessary information as desired by the Administration Section are given below for your necessary action please.

1. Name : DEBASISH CHAKRABORTY
2. Designation : Asstt. Audit Officer
3. Date of Birth : 01.03.51
4. (a) Date of entry in : 22.10.76  
I.A. & D.
- (b) Cadre at the time of entry : Auditor
5. Date of promotion/joining : Promoted to Asstt. Audit Officer  
in the present cadre on 5.6.95
6. Section in which working : Inspection Group (Civil), attached  
(as on date of applica- with D.P. Cell (Civil)  
tion)
7. (a) Whether any applica- : Applied on April 1993 and April  
tion/representation for 1997 for transfer to Guwahati.  
transfer to Guwahati office was submitted earlier ?  
If so, when and on what ground.
- (b) Whether the spouse of : No  
the Govt. servant is wor-  
king in AG(A&E) Assam and  
Pr. AG(Au), Shillong and  
is under order of transfer  
to the O/o the AG(A&E),  
Assam & AG(Au), Assam,  
Guwahati. If so a copy of  
the transfer order to be  
enclosed.
- (c) Whether the spouse of : No  
the Govt. servant was wor-  
king in AG (A&E) Assam and  
Pr. AG(Au), Shillong and  
already transferred to the  
O/o the AG(A&E) & AG(Au),  
Assam. If so, copy of  
transfer order.
- (d) Whether the spouse of : No  
the Govt. servant is working,  
if so, where ?

Attested

Sr. Deputy Accountant General (Admin),  
Pr. Accountant General (Audit),  
Meghalaya, Arunachal Pradesh and  
Mizoram, Shillong-1

Contd. P/2.

obtained a stay order:

Therefore, you are requested to consider my case sympathetically and obliged me thereby.

Yours faithfully,

*Phomdo*

*Asst. Audit Officer*

(DEBASISH CHAKRABORTY)

Dated : 8.8.97

Signature of the Govt. Servant  
(Name in Block letters)  
Designation

Attested

*AB. Sub...*

Sy. Deputy Accounts General (Asstt.),  
As the Principal Assistant General (Audit),  
Meghalaya

moved the Honble Central Administrative Tribunal Guwahati Bench and obtained a stay order.

Annexure - R2

Name of the Assistant Audit Officers who have never served outside Nagaland office:-

1. Shri Diptendu Chakraborty, AAO
2. Shri Parakesh Seal, AAO
3. Shri Atul Ch. Dutta, AAO

Attested  
(Advocate)

Shri Chakraborty, A.A.O.

moved the Hon'ble Central Administrative Tribunal Guwahati Bench and  
obtained a stay order.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

44

Misc. Petition No. 59/2006 (In O.A. No. 143 of 2006)  
Misc. Petition No. 52/2006 (In O.A. No. 115 of 2006)  
Misc. Petition No. 55/2006 (In O.A. No. 125 of 2006)  
Misc. Petition No. 56/2006 (In O.A. No. 140 of 2006)

Date of Order: This the 2/5<sup>th</sup> day of July 2006.

The Hon'ble Shri K. V. Sachidanandan, Vice-Chairman.

1. Misc. Petition No. 59 of 2006 (In O.A. No. 143 of 2006)

Union of India & Ors. ....Petitioners

By Advocate Mr G. Baishya, Sr. C.G.S.C.

- Versus -

Sri Dhrubajyoti Deb and Others ..... Opposite Party

By Mr G.K. Bhattacharyya, Sr. Advocate, Mr B. Choudhury and  
Mr D. Goswami, Advocates

Misc. Petition No. 52 of 2006 (In O.A. No. 115 of 2006)

Union of India & Ors. ....Petitioners

By Advocate Mr G. Baishya, Sr. C.G.S.C.

- Versus -

Sri Sirazuddin Ahmed & Ors. .... Opposite Party

By Mr G.K. Bhattacharyya, Sr. Advocate, Mr S.M.H. Haque, Mr  
B. Choudhury and Mr D. Goswami, Advocates

3. Misc. Petition No. 55 of 2006 (In O.A. No. 125 of 2006)

Union of India & Ors. ...Petitioners

By Advocate Ms U. Das, Addl. C.G.S.C.

- Versus -

Shri Guna Ram Kalita & Ors. .... Opposite Party

By Advocates, Dr. J.L. Sarker and Mr S. N. Tamuli.



Attested.  
15/7/06  
(S.M. HASNUL HAQUE),  
Advocate.

4. Misc. Petition No. 56 of 2006 (In O.A. No. 146 of 2006)

Union of India & Ors.

... Petitioners

By Advocate Ms U. Das, Addl. C.G.S.C.

- Versus -

Shri O.M. Prakash Upadhyay & Ors.

..... Opposite Party

By Advocates Dr. J.L. Sarkar and Mr S.N. Samuli.

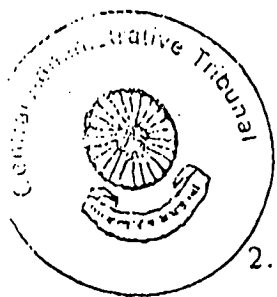
ORDER

K.V. SACHIDANANDAN (V.C.)

This is an application filed by the respondents in the O.A. for vacation/modification/alteration of the status quo order. The prayer in the M.P. is:

"In the premises aforesaid it is respectfully prayed that your Lordships may be pleased to vacate and/or modify and/or alter the interim order dated 14.6.06 and 20.6.06 passed in OA No.143/2006 and/or pass such further or other order or orders as your Lordships may deem fit and proper."

2. An identical M.P. No.56/2006 was filed in O.A.146/2006 for modification of the interim order dated 19.06.2006 therein. So also M.P.No.52/2006 was filed in O.A.115/2006 by the Sr. C.G.S.C. and M.P.No.55/2006 filed in O.A.125/2006 for the same purpose. All these M.P.s are filed for the alteration/modification/cancellation of the interim orders. All the above O.A.s are identical and are challenging the same scheme for separation of combined cadre for Office of the Accountant General at Shillong, Imphal, Kohima and Agartala. This court in all the above O.A.s passed interim order on various dates, the gist of which is as follows:





O.A.No.125/2006

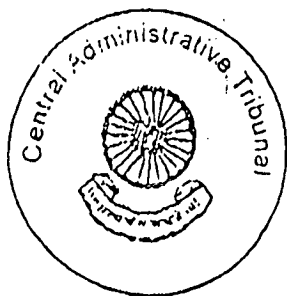
"The applicants are SOG Examination qualified officers now working as Assistant Audit Officer in Group 'B' cadre. They are borne in the office of the Principal Accountant General (Audit) Assam, Guwahati. There are other offices of Accountant General (Audit) in Meghalaya, Manipur, Tripura and Nagaland States. Vide circulars dated 31.03.2006 and 20.04.2006, a scheme has been circulated separating the cadre of Group 'B' officers in Civil Audit Offices. According to the applicants, the scheme has been formulated on wrong premises that there was common/combined cadre. According to them, in reality there has not been any formal common/combined cadre. They have also stated that the respondents are changing their options from time to time.

Heard Dr. J.L. Sarkar, learned counsel for the applicants and Ms U. Das, learned Addl. C.G.S.C. for the respondents.

When the matter came up for admission hearing, Ms U. Das, learned Addl. C.G.S.C. for the respondents submitted that there is a common cadre. She also submitted that she would like to take instructions to file reply statement. Let it be done.

Post on 06.06.2006. In the meantime, in the interest of justice, by way of interim order, this Tribunal directs the respondents not to disturb the applicants from their place of postings till the next date."

Identical orders have been passed in the other O.As also which are under challenge.



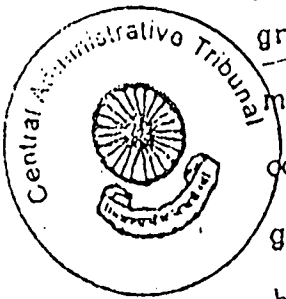
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3. Dr J.L. Sarkar and Mr G.K. Bhattacharyya, learned Sr. counsel for the applicants in the various O.A.s and Mr G. Balshya, learned Sr. C.G.S.C. and Ms U. Das, learned Addl. C.G.S.C. for the respondents are present and argued the matter.

4. The case of the Misc. petitioners (respondents in the O.A.s) is that the applicants in the O.A.s are challenging the separation of the common cadre of Group 'B' officers in the office of the Accountant General (A&E) and challenged the circular on Cadre separation dated 30.03.2006. According to them the matter pertains to a policy decision and the bifurcation of common cadre is necessary for the public interest. Prior to separation of cadre the Group 'B' officers of different offices of North Eastern Region are transferred and posted to any of the offices of AG (A&E) in North Eastern Region and such liability of transfer was accepted by the officers at the time of promotion to the post of Assistant Accounts Officer (Group 'B'). A gradation list of common cadre of SO/AAO/AC/Sr. AO is maintained by the AG (A&E), Assam, Guwahati being the cadre controlling authority. Though separate seniority for each cadre is given in the gradation list, but due to administrative exigencies it became necessary to separate the existing common cadre of Group 'B' officers of A&E offices of the North Eastern Region for the purpose of conducting the function of A&E in the offices of each State in the North Eastern Region being fair and transparent and taken into consideration the larger issue involved and considering the public interest the circular dated 30.03.2006 was issued. As per the circular if the number of optees for a particular office is more than the required strength of that office, the excess persons in each cadre, shall be posted on deputation basis, for which they may give their

Gradation List

more than  
required strength



preference, to deficit offices. These officers posted on deputation basis shall be posted to the office of their choice on the basis of their seniority on availability of subsequent vacancies against the required strength in such offices. The surplus optees shall also form part of the cadre of the office for which they exercised option. As per the policy, therefore, each officer will be ultimately posted permanently in the office of his/her choice, and meanwhile he/she is waiting for posting to the office of his/her choice which happens to be surplus office, and draw deputation allowance for this period as admissible under the rules.

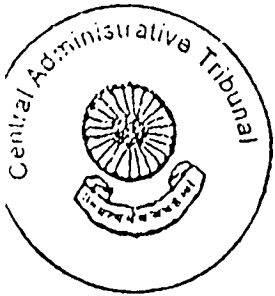
5. The case of the applicants in the O.A.s is that the cadres were already separated in 1981 in terms para 5.6.1 of Comptroller Auditor General's Manual of Standing Order (Administration, Vol. I) and the respondents are aware of the position and have made a vague statement by stating "prior to separation of cadre". As per the policy communicated vide circular dated 31.03.2006, optees in a particular cadre for a particular office were to be accommodated as per the sanctioned strength of cadre of that office. The term 'required strength' introduced in the policy is an afterthought by way of clarification communicated on 8.5.2006 after the exercising of option by the applicants was completed on 26.04.2006 has altered the basic complexion of the modality for accommodation of optees in the Office of their choice. The Group 'B' officers exercised their option on their understanding that the number of optees would be very much within the sanctioned strength of the office and therefore all of them would be accommodated in the said office which will be their base/Parent Office. The adoption of the new 'required strength' is not in conformity with the existing norms and is therefore without any basis,



which will lead to incorrect position of vacancies in different cadres in the offices causing scope for arbitrariness. The applicants were working in the base office concerned.

6. I have heard the learned counsel for the parties. The learned counsel for the parties has taken my attention to various Circulars, Office Orders etc. to substantiate their contention. The learned counsel for the parties also cited certain court decisions to substantiate their contention on merits of their case. We are only on the preliminary issue of the interim order - whether to be vacated or not. The learned counsel for the respondents has taken my attention to a decision of the Hon'ble Supreme Court reported in 1998 (4) SCC 598 in the case of S.P. Shivprasad Pipal Vs. Union of India and canvassed for the following three principles that has to be followed by the court in granting interim orders:

- (a) Whether there is a prima facie case
- (b) Whether Irreparable loss will be caused to the respondents
- (c) Balance of convenience.

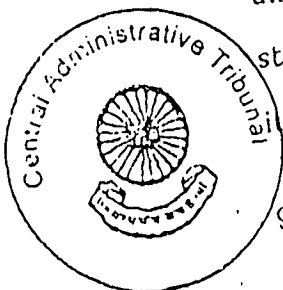


7. The learned counsel for the original applicants are in agreement with the above proposition of law and both parties canvassed very vehemently and argued that these ingredients are in their favour. The learned counsel for the parties tried to establish their case on merit. Since this is a subject matter of the Division Bench and sitting singly the court cannot go on merits of the case at this point of time. Therefore, this court considers whether the three ingredients that has been canvassed by the learned counsel for the respondents tilt in favour of the respondents or the applicants. I am not going into the merits of the case since that may affect and lead

ultimately to a final decision, which is not within the ambit of the Single Bench.

8. The simple facts of the case are that as per the said notification the respondents have introduced a policy decision for separation of the cadre and for that purpose options were called for. The applicants who have been working in the respective Sections for years together have been discarding their promotions and seniority have opted for the respective stations they are put in, hoping that they will be accommodated therein. According to them there are large number of vacancies as well if the respondents design the transfers in a scientific manner. The applicants have reiterated that their options are only for a particular station and not anywhere else. Therefore, attempt on the part of the respondents to transfer the applicants to non-optee place par se seems to be not in conformity with the employees' choice which will put them to irreparable injury. The understanding and willingness of the employees is for a particular station alone. They are not questioning the policy of the scheme but its modality.

*scientific manner*



9. Then the question comes how can the applicants be transferred to hard stations for which they have not exercised option? The respondents would argue that these applicants are being sent on deputation wherein the applicants will get deputation allowance. It is a well settled law that an employee cannot be sent on deputation without his/her consent.

*cannot be deputed without consent.*

*hardship is to be minimal to the employees*

10. When a restructuring or a scheme is implemented, the hardship that will be caused to the employees must be minimal. It appears that no scientific study has been made by the respondents in

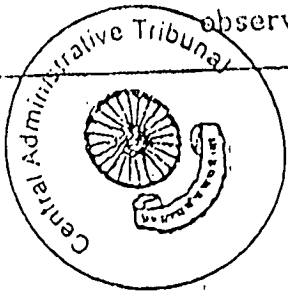
*No scientific study has been made by the respondents*

Implementing the so called circular and compelling the employee to accept transfer to a non-optee station under the guise of deputation is not in general spirit of law.

11. Therefore, considering the balance of convenience, hardship, legal injury etc. in favour of the original applicants in the O.A.s, I am of the view that at this point of time there is no need to alter, change or modify the interim order that has been passed earlier. Therefore, the Misc. Petitions do not merit and therefore the same are liable to be dismissed.

12. However, the respondents are at liberty to implement the scheme in a more scientific/practical manner without disturbing the applicants of their place of option.

All the Misc. Petitions are dismissed with the above observations. No costs.



nkun

Sd/VICE CHAIRMAN

TRUE COPY

प्रतिलिपि

24/7-61

अनुभाग अधिकारी

Section Officer (Jrnl)

Central Administrative Tribunal

सुवाहादी स्टाफपीठ

CUWAHADI BENCH

बजावटी Cawahadi-5

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