

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

ORDER SHEET

Orginal Application No. 18/06

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) S. C. Paul

Respondent(s) U.O. I 90M

Advocate for the Applicants J. L. Saikia, S. Neeth

Advocate for the Respondent(s) CGSC, Rly St. Counsel

Notes of the Registry Date

Order of the Tribunal

This application is in form
is filed/C. F. f r. I. S. 30-
deposited v. o. p. 30
No. 260319727
Dated 12-1-06

J. L. Saikia
Dy. Registrar
R1

Steps not taken

R1

17.1.06 present: The Hon'ble Sri K.V.Sachidanandan, Vice-Chairman.

The applicant was initially appointed as Auditor in the year 1976 and posted at Kohima, Nagaland under the respondents. He was promoted as Senior Auditor, Section Officer and thereafter as Assitt. Auditor (AAO) and his service was continued in Kohima, which is considered as a hard station and he had been working there for 23 years. In 1999 he was transferred to Guwahati.

The averment made in the O.A. is that Shillong, Guwahati, Agartala, Imphal and Kohima have common cadres for AAO/SO and general policy and practice is to transfer on rotation all incumbents after 18 months. The applicant worked for about 23 years in Kohima and then transferred to Guwahati. According to the applicant there are AAOs and SOs in Guwahati and other stations who had not worked at Kohima and the transfer of the

Contd....

Contd.

17.1.2006 applicant to Kohima again will put him in hardship and it is clear violation of policy in practice. According to the applicant, and the statement filed by him in the O.A. his juniors and seniors are spared from transferring to hard stations. He has also narrated his present difficulties such as his son is in the mid academic session and his old widow mother who is under his care and such transfer will put him in misery. He also submits that he has also four years to retire.

Notice & Order
sent to D/section
for issuing resp.
nos. 1, 2, 3 & 4 by
regd. A/D post.

(Ans) 6. D/No. 112 to 115
20/10/06 DT=23/11/06

2 - 3 - 06

① Service report
awaited.

② No W/B has been
filed.

2. Comply and on
date 3.3.06.

3.3.06.

Order dt. 3/3/06
issuing to learned
Advocate's Nos. both
the parties.

(g)
3/3
No W/B has been
filed. 27.4.06

Mr. G. Baishya, learned Sr. C.G.S.C. appearing for the respondents submits that he would like to get instruction on the matter. Generally Tribunal does not interfere with the transfer matter. But however, *prima facie* I am of the view that it is fit case to admit, accordingly the O.A. is admitted. Written statement to be filed after six weeks. In the meantime, in the interest of justice, the Tribunal suspends the order of transfer in so far as the applicant is concerned till the next date.

Post on 3.3.2006.

Vice-Chairman

bb:

93-03-06

When the matter came up for hearing the learned counsel for respondents prays for four weeks time to file written statement.

Post on 28.4.06. Interim order will continue.

Vice-Chairman

lm

28.4.2006

Pl. Comply and
dated 28-4-06.
N.S.
28/4/06

Mr.G.Baishya, learned sr.C.G.S.

C. submits that reply statement is ready and he is sitting today. Applicant is at liberty to file rejoinder, if any. Post on 31.5.2006.

Interim order shall continue till the next date.

Vice-Chairman

bb

31.5.2006

W/S Dismissed
by the Respondents.

PAI

order dt. 28/4/06
issuing to learned
advocate's for both
the parties.

~~CCS~~
2/5/06

30-5-06
No Rejoinder has
been filed.

TM

order dt. 31/5/06
issuing to learned
counsel for both the
parties.

~~CCS~~
1/6/06

6.6.06
Rejoinder filed by
the Applicant.

Reviewed
B.M.
6/6/06

mb

27.07.2006

Learned counsel for the respondents submitted that the matter may be posted after two weeks. Post on 16.08.2006.

Vice-Chairman

mb

SM

29.06.06

Order dt. 13/6/06
issuing to learned
advocate's both the
parties.

Copy
14/6/06

The case is ready
for hearing.

28.8.06.

Received by
G.P. Baishya
Sr. C.G.S.C.
31.8.06
2
Tribunal
31.8.06

Order dt. 29/8/06
issuing to learned
advocate's for both the
parties.

Copy
31/8/06

The case is ready
for hearing.

28.9.06.

lm

When the matter came up for
hearing Dr J.L.Sarkar learned counsel
for the applicant has submitted that
as per notification dated 8.8.06 the
Deputy Accountant General(A&W)
had passed an order by which the
names of the Sr.AOs/AOs/AAOs/Sos as
mentioned in Annexures I,II,III & IV
has been placed permanently in the
office of the Principal Accountant
General(Audi) Assam, Guwahati and
the names of the Assistant Audit
Officers as shown in Annexure V are
retained in the office of the Principal
Accountant General(Audit) Assam till
disposal of the Tribunals order.
(Sl.No.3-26) as shown in Annexure III
the applicants are therein.

Mr.G.Baishya learned Sr.C.G.S.C.
for the respondents has submitted
that he has accepted the order and he
wants to take instructions.

Post the matter on 14.9.06.
Copy of the order-dated 8.8.06 shall
be kept in records.

Vice-Chairman

O.A. 13 of 2006

14.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Post on 15.09.2006.


Vice-Chairman

/mb/

15.9.06.

Judgment delivered in open
Court. Kept in separate sheets.
Application is closed as infruc-
tuous.


Vice-Chairman

lm

*Plaintiff
Sri Jayaram
51 cause
15.9.06
for the parties*

*27/10/06
Copy of the judgement
has been handed
over to the t/a Adm.
for the parties*

*(Signature)
Advocate
27/10/06*

CENTRAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH.

(O.A.No.13 of 2006.)

DATE OF DECISION: 15.09.2006.

Sri s.c.paul

APPLICANT

Dr.J.L.Sarkar

ADVOCATE FOR THE
APPLICANT(S)

VERSUS-

Union of India and ors.

RESPONDENTS

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

ADVOCATE FOR THE
RESPONDENT(S)

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgments? *NO*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the judgment? *NO*
4. Whether the judgment is to be circulated to the other Benches? *NO*

Judgment delivered by Hon'ble Vice-Chairman

19/6/06

CENTTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No.13 of 06

Date of Order: This the 15th Day of September, 2006.

HOBN'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

Sri Subhash Chandra Paul,
Assistant Audit Officer,
Office of the Principal Accountant General (Audit),
Assam,Beltola,Guwahati-29

Applicant.

By Advocate Dr. J.L.Sarkar, Mr.S.Nath
-versus-

1. Union of India,
Through the Comptroller & Auditor General of India,
New Delhi-2
2. The Principal Accountant General(Audit)
Meghalaya,Shillong-1.
3. The Principal Accountant General(Audit)
Assam,Beltola,Guwahati-29
4. The Accountant General(Audit)
Nagaland,Kohima.

Respondents

By Advoczate Mr.G.Baishaya,Sr.C.G.S.C.

ORDER (ORAL)

SACHIDANANDAN,(V.C.)

The applicant was initially appointed as Auditor and posted at Kohima Nagaland under the respondents. He was promoted as Senior Auditor, Section Officer and thereafter as Assistant Audit Officer and his service was in Kohima, then he was transferred to Guwahati. Guwahati, Shillong, Agartala, Imphal and Kohima have common cadres for AAO/SO, and general policy and practice is to be followed for transfer on rotation of all incumbents after 18 months. The applicant worked for about 23 years at Kohima, and then transferred to Guwahati. There are AAO/Sos in Guwahati, who have not worked at

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Kohima, but the respondents have again ordered the applicant for transfer to Kohima by office order dated 29.11.05 as Assistant Audit Officer. Neither seniors nor juniors of the applicants have been transferred. Being aggrieved the applicant has filed this O.A. seeking for the following reliefs:-

- i) The transfer of the applicant by order dated 29.11.2005(Sl.No.2 page-2) be set aside and the letter dated 23.12.05 be also set aside.
- ii) To issue necessary direction to the respondents for maintaining the uniform policy of Transfer formulated by the Respondents for the common cadres of AAO/SO who are under transfer liable for service of a minimum period of 18th months at hard station.
- iii) Any other reliefs this Hon'ble Tribunal may deem fit and proper."

I have heard Dr.J.L.Sarker learned counsel for the applicant and Mr. G. Baishya, learned Sr.C.G.S.C. for the respondents. The respondents have filed their written statement. Mr. G. Baishya, learned Sr.C.G.S.C. has produced a letter of the Deputy Accountant General(Admn) dated 14th September, 2006 , wherein it is made clear that " Shri Sub hash Chandra Paul, AAO has been permanently allocated to the office of the Pr. Accountant General (Audit),Assam Guwahati. However, this does not preclude the Pr. Accountant General (Audit), Assam, Guwahati to post him to any Audit offices of the N.E.Region." The learned counsel for the respondents has also submitted that the respondents have prepared a scheme as per the office order dated 08.08.2006 which is reproduced below:-

✓

" In pursuance of Estt-1/Order No.58 dtd.8th August, 2006 of Principal Accountant General(Audit), Meghalaya, etc. Shillong, the names of Senior Audit Officers/ Audit Officers, Assistant Audit Officer/Section Officers as mentioned in the Annexure-1,II,III and IV respectively are placed permanently in th e

office of the Principal Accountant General(Audit),Assam, Guwahati-29 and the names of Assistant Audit Officers as shown in Annexure-V are retained in the office of the Principal Accountant General (Audit) Assam, Guwahati-29 till disposal of the case in Hon'ble CAT, Guwahati Bench.

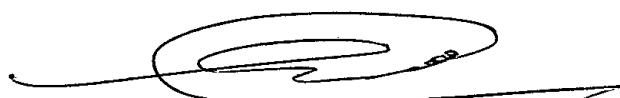
Authority : Pr. AG's orders dtd.08.08.2006 at P/2 N of the No.Estt.1/Au/1-51/Vol-II/2006-07.

Dy. Accountant General(A&W)"

The learned counsel for the applicant has submitted that by this office order the applicant has got the reliefs as prayed for and therefore, the O.A. has become infructuous.

Considering the submissions made by the learned counsel for the respondents and on perusal of the record I am of the view that the applicant has been permanently allocated to the office of the Pr. Accountant General (Audit) Assam, Guwahati. Accordingly, the O.A. is closed as infructuous.

Copy of the order dated 14.09.06 and 08.08.06 will be kept on record.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

lm

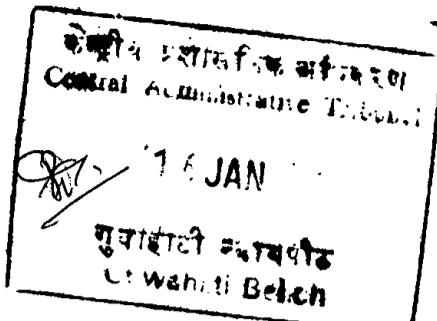
10
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 13/06

1. a) Name of the Applicant :- S.C. Paul
b) Respondents:-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 the 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 Vokatlatnama/Memo of appearance /Authorisation is filed: Yes / No.
11. Is the application by IPO/ED/for Rs.50/- 26/319727
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 annexurea duly attested filed: Yes / No.
15. Has the Index of the 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 sough for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is 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 pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is in order.

SECTION OFFICER(J)

16.1.06
11 DEPUTY REGISTRAR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

GUWAHATI.

O. A. No. 13 of 2006.

Sri S. C. Paul

..... Applicant.

-versus-

Union of India & others.

..... Respondents.

SYNOPSIS.

Applicant was initially appointed as Auditor in the year 1976 and posted at Kohima, Nagaland under Respondents. He was promoted as Senior Auditor, Section Officer and thereafter as Assistant Auditor (AO) and his service was continued in Kohima, which is considered as a hard station for 23 years and his case was considered for bringing out of Kohima and in 1999 he was transferred to Guwahati.

Guwahati, Shillong, Agartala, Imphal and Kohima have common cadres for AAO/SO, and General Policy and practice is to transfer on rotation all incumbents after 18 months. The Applicant worked for about 23 years Kohima, and then transferred to Guwahati. There are AAOs/SOs in Guwahati and other stations, who have not worked at Kohima. Even violating all norms and policy and practice of the respondents he has again been ordered for transfer to Kohima as AAO, accommodating others who have never worked in Kohima, by office order dated 29.11.2005. Neither seniors or juniors of the Applicants have been transferred. The applicant has only 4 years to retire.

The applicant's son is in the mid academic session and his annual examination is in March, 2006. The daughter's H.S.S.L.C. examination is likely to be in March, 2006. His old widow mother is about 85 years of age.

He is continuing office at Guwahati has not yet been spared. His second representation is pending consideration.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH:
GUWAHATI.

(An Application under section 19 of the
Administrative Tribunal Act, 1985).

O.A. No. 13 o 2006.

Sri Subhash Chandra Paul.

.... Applicant.

-versus-

Union of India & others.

..... Respondents.

I N D E X.

<u>Sl. No.</u>	<u>Particulars.</u>	<u>Annexure</u>	<u>Page.</u>
1.	O.A.	-	1 - 11.
2.	Verification	-	11.
3.	Annexure -	-I	12 - 22
4.	Annexure	II	23 - 24
5.	Annexure	III	25 - 27
6.	Annexure -	IV	- 28 -
7.	Annexure -	V	29 - 31
8.	Annexure	VI	32 - 33
9.	Annexure -	VII.	- 34 -
10.	Annexure -	VIII.	35 - 31
11.	Annexure -	IX	- 38 -
12.	Annexure	X	- 38 -
13.	Annexure -	XI	39 - 45
14.	Annexure	XII	46 - 47
15	<u>Annexure</u>	XIII	

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH;

GUWAHATI

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

O.A. No. 13 of 2006

Sri Subhash Chandra Paul,
Assistant Audit Officer,
Office of the Principal Accountant General (Audit),
Assam, Beltola, Guwahati – 29.

..... Applicant

- Versus -

1. Union of India,
Through the Comptroller & Auditor General of India,
New Delhi - 2
2. The Principal Accountant General (Audit),
Meghalaya, Shillong – 1.
3. The Principal Accountant General (Audit),
Assam, Beltola, Guwahati – 29.
- 4 The Accountant General (Audit),
Nagaland,
Kohima.

..... Respondents.

1. Details of Application against which the Application is made.

OFFICE ORDER NO. Estt: - 1/ Audit/115 dated 29.11.2005 issued by the
Principal Accountant General (Audit), Meghalaya, Shillong - impugned
and annexed as ANNEXURE - V

Subhash Chandra Paul
CA Advocate
16/1/06

2. Jurisdiction.

The Applicant declares that the subject-matter of the application is within the Jurisdiction of this Hon'ble Tribunal.

2. Limitation.

The applicant submitted that application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts.

4.1. That the Applicant is a citizen of India and is entitled to all legal, fundamental and statutory rights, and Rules.

4.2. That the Applicant begs to state that he joined in the Accounts & Audit Service in the year 1976 as Auditor, and served under the Respondent No. 2 at Kohima for continuous more than 22 years in different posts. He was promoted as senior Auditor in 1984, further promoted as Section Officer in 1991 and Assistant Audit Officer in July, 1994. All through these years his service was utilised in Kohima. Ultimately his case was considered by the department for transfer out of Kohima and he was transferred and posted at Guwahati w.e.f. 30.3.1999, where he is working now.

4.3. That it is humbly submitted that it would be seen from the aforementioned contents that the Applicant has already served the tenure of "hard station" duty at Kohima and for a long.....

long span of time and as per prevailing system of the service conditions under the Respondents the Applicant shall not be disturbed in the event of his being transferred to any "hard station" now till such time the whole list of Asstt. Audit Officers/G.Os. in the Gradation Lists are exhausted by rotational transfer.

Photo copies of Gradation lists for AAO. and SO are annexed as Annexure s - I & II respectively.

4.4. That it is submitted that a policy has been formulated by the Respondents, as is evinced from the A.G's Order dated 22.3.2000 in File No. DAG(A)/Con/C/Gny./Policy/Transfer/96 for transferring/posting of common cadre officers in the agreement held on 10.4.1974 between the Association and the Accountant General. The Applicant had already served for more than 2 years, - ~~as per~~ at Kohima, Nagaland. As per norms and policy of the respondents his term of transfer to Kohima shall come only after all SO, and AAOs. As in the gradation list, are posted at Kohima on rotational basis. It is stated that Guwahati, Shillong, Tripura, Imphal and Kohima are in the ~~as~~ common seniority/gradation list of AAO and SO. It is also stated that post of AAO, ^{as per} promotion of AAO and promotion post on non-functional basis i.e. without ^{incumbent} difference of works, and ~~incumbent~~ posts are inter-changeable.

Copies of above Policy of Transfer/Posting dated 22.3.2000 is enclosed as Annexure-III

fr. Copy of above policy of transfer/posting dated 22.3.2000 is enclosed as annexure- III

4.5. that it is humbly submitted that the Comptroller and Auditor General of India during his visited the office of Accountant General (Audit), Nagaland Kohima in 1999 expressed his view that a roster could be maintained for rotation of staff to offices outside Nagaland .It is, therefore, clear that intention of department is to transfer AAOs/SOs, out of Kohima and rotate from amongst other units viz. Shillong, Guwahati, Tripura, Imphal. When option was called for, the applicant opted for Guwahati.

Copy of the D.O letter dated 2.12.2002 is enclosed as annexure- IV

4.6. That most unfortunately the applicant has again been ordered for transfer to Kohima by order dated 29.11.2005 without completing rotation of other AAO/SOs who never worked at Kohima, including juniors and seniors of the applicant.

A Copy of the order dated 29.11.2005 is enclosed as Annexure- V

4.6.A. That the applicant submitted a representation dated 9.12.2005 to the respondent No.-4 to review his case as per the norms and policy of the department and not to transfer him. The applicant has not yet been spared from Guwahati office.

Copy of the representation dated 9.12.2005 is enclosed by Annexure- VJ

4.7. That it is stated that in response to the aforementioned representation of the applicant the respondent No.-4 communicated by the establishment officer, officer of the principal accountant general(Audit), Shillong-793001 vide his letter No. Estt.1/Audit/12-3/2005-06/3162 dated 23.12.2005. and rejected the prayer by a cryptic and non-speaking order without considering the contents of the representations. In the facts of the case the representation has not been considered and only a predetermined reply has been given with closed mind.

Copy of the order dated 23.12.2005 is annexed as annexure- VII

Dulashan Cm. Paul

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4.8. That it is humbly stated that Sri K.G.Mahalingam Director General (AEC), office of the Comptroller & Auditor General of India, New Delhi, vide his letter No. 530-AC-II/340-2005, vol.I dated 30.9.2005 recommended for an action plan to be drawn up and implemented for setting right the deficiencies in regard to Entitlement Functions in the North East. It was mentioned therein - "North Eastern Offices have a combined cadre of Sr. AOs, A.Os, AAOs and SOs. since 1971 when these offices came into existence. Deficit offices like Nagaland and Manipur perennially depend on the offices of Assam, Tripura and Meghalaya for their requirement of Staff. Since the tenure of these officers is eighteen months, the turnover staffs is very fast. Also, as a matter of policy, only junior officers on promotion are posted to these offices".

Extract of the above Report is annexed as
Annexure - Ex. VIII

Dulash Ch. Paul

4.9. That it is the policy of the respondents to transfer back officials from Kohima after a period of about 18/24 months. There are officers who have never been posted and served at Kohima/Imphal etc. The statements showing the position of such officers/officials would depict the true picture of transfer and posting orders arranged by the Offices. List of officers never posted at Kohima is also enclosed. These Lists are not exhaustive, but illustrative only.

Photo copies of above are enclosed as Annexures X and X

4.10.....

4.10- That in this connection it is humbly submitted that in the case of Sri Tridib Ranjan Dey in O.A. No. 86 of 1996 this Hon'ble Tribunal on 21.8.96 decided after analysing the whole structure of the AAO/SO cadres in the Accounts side and passed orders to maintain a uniform transfer policy so as not to invite any discriminations and "it will be fair and reasonable for the Respondents to re-consider on merit the case of transfer".

A photo copy of the order in OA 86/1996 is enclosed as Annexure - XI.

4.11. That the son of the applicant is reading in Class VI, CBSE, at Guwahati, and is in mid academic Session, and annual examination is in March, 2006. His daughter is a candidate for HSSLC (SEBA), i.e. Class XII and final examination is likely to hold in ~~the~~ March, 2006. The widow old mother is aged 85 years, of age and receiving treatment at Guwahati.

4.12. That the applicant has only 4 (four) years to retire on superannuation. The transfer at this stage will cause much hardship for his planning of post retirement life, and ^{for his} old mother, and ^{also} children's education. The applicant has submitted another appeal to the Respondent No. 1, on 05.01.2006 to review and reconsider his case of transfer with sympathy and humanitarian approach, in addition to the prevailing system and Rules of transfer.

A photo copy of above is annexed as Annexure - XII.

Unhassan Choudhury

4.13. That the impugned Transfer order cinsidered on the basis of the Principles, Policies and practice formulated and issued by the Respondents as mentioned in the foregoing paras whould show that the said transfer order was issued by the Respondents as mentioned in the foregoing paras with their supportive annexures would show ~~postulate~~ that the said transfer order was issued without fair administration and lawful recourse and hence, were against all canons of justice, equity and fair play and malice in law is ~~key~~ explicit in the case.

4-14. That the applicant served at Kohima for more than 22 years (as Auditor for 15 years from 2.11.1976 and thereafter on promotion as SD/AAO continued in Kohima for another 8 years upto February,1999) and only thereafter he was transferred to Guwahati as AAO in March, 1999. His term for transfer to Kohima cannot come now when others in the common cadre ^{are} ~~and~~ left on rotation and seniority principles.

The impugned transfer order, it is humbly submitted, is therefore, not tenable in the eye of law.

4.15. That the impugned transfer order, for the reason mentioned above, has caused the infringement of rights under the Articles 14, 16(1) and 21 of the Constitution of India.

4.16. That fairness of the Administrative justice was not observed and Respondents' own set of Rules violated

4.17.....

Jnterested on page

4.17. That under the facts and circumstances mentioned above, the Applicant most humbly and fervently prays that your Lordships may be pleased to look into the matter sympathetically and be also pleased to do justice to this Applicant by decision and order for his grievances redressed by setting aside and quashing the impugned order and for this act of your kindness this humble applicant shall remain ever grateful and be highly obliged.

4.18. That this petition has been filed bona fide and to secure ends of justice.

5. GROUND FOR RELIEF.

5.1. For that the said decision has taken in violation of the principles of natural justice by a criptic and non-speaking and arbitrary order.

5.2. For that the Respondents have acted arbitrarily and without examining the case of the applicant on its true perspective and considering his earlier services culminated at Kohima for long years-

5.3. For that Respondents have violated their own prevailing system, and neglected the existing Rules and guidelines for rotational transfer of the common cadre in AAO/SO grades formulated by the Respondents themselves,

5.4.

5.4.. For that the transfer in the ~~xxi~~ mid academic session shall very adversely affect the education of his children, and also the health and life of his widow old mother aged about 85 years of age.

5.5. For that the impugned order was unreasonable and without application of proper mind.

5.6. For that the applicant prays for justice ^{as} in O.A. No. 86/1996 decided by this Hon'ble Tribunal.

5.7. For that the impugned order was not the outcome of considering all aspects in regard to maintaining the indiscrimination among the serving employees for transferring to hard station like Kohima.

5.8. For that Respondents have caused the infringement ^{and} of Articles 14, 16(1) & 21 and ~~309~~ of the Constitution of India and thereby made discrimination with the Applicant for the reasons best known to the Respondents.

5.9. For that the action of Respondents stated in the impugned order has invited "miscarriage of justice" and "unfair play" of action.

5.10. For that there is no element of public interest in the order of Transfer.

Jawahar Ch Patel

6. Details of remedy exhausted.

The Applicant humbly declares that failing to get his grievances redressed he has come to this Hon'ble Tribunal for having justice which is efficacious and there remains no other alternative to get justice.

7. Matters not previously filed or pending with any other court.

The applicant declares that he has not filed any other application, or case regarding the matter before any other Tribunal or court and no such case is pending in any Tribunal/ court.

8. Relief sought for.

i) The transfer of the applicant by order dated 29.11.2005 (Sl. No. 2 page- 2) be set aside and the letter dated 23.12.05 be also set aside.

ii) To issue necessary direction to the Respondents for maintaining the uniform policy of Transfer formulated by the Respondents for the common cadres of AAO/SO who are under transfer liable for service of a minimum period of 18 months at hard station.

iii) Any other relief(s) this Hon'ble Tribunal may deem fit and proper.

9. Interim Relief :

Pending disposal of the Application Your Lordships may be pleased to issue order to the Respondents to stay the

transfer.....

transfer of the applicant and suspend the said order dated 29.11.05 (sl. No. 2 page²), for the grounds stated above.

10. Particulars of Application Fee:

- i) I.P.O. No. 26631927
- ii) Date. 12/1/06
- iii) Issued from Guwahati.
- iv) Payable at - Guwahati.

VERIFICATION.

I, Subhas Chandra Paul, aged about 56 years, son of Late Sudhir Chandra Paul, residing at Kahilipara, Guwahati-18, do hereby solemnly affirm and verify that the statements in paragraphs 1, 4 and 6 to 11 are true to my knowledge, and those in paragraphs 2, 3 and 5 are true ~~as~~ as per legal advice and I have not suppressed any material facts.

Subhas Ch. Paul
Signature of the Applicant

Place : Guwahati.

Date - 10.01.2006.

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ANNEXURE-I

Assistant Audit Officer



Total No. of OA = 23 Nos
 Male OA = 17 Nos
 Female OA = 7 Nos
 Total Pay Scale of Pay = Rs. 7400-25000/-
 Date of Preparation / Last Pay Revision
 22/3/2004

Graduation Serial No.	Name, Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service	SOGE and Rev.Aud.	Cadre	Post in which confirmed	Date of Increment	
1. 1. SANKAR NARAYAN BHATTACHARJEE, BA,LLB, NR.	1/1/1951 24/3/1971	1989 NONE	23/3/1993	1/3/1984 STENO	**	AG(AUDIT), GUWAHATI	
2. 2. SUKARNA CHOUDHURY, BA(HONS), NR.	6/2/1954 8/9/1976	1989 NONE	29/3/1993	1/3/1984 SR.AUDITOR	**	AG, UNITS, GUWAHATI	
3. 3. BIPUL CH NATH, BCom, NR.	29/10/1950 25/10/1976	1989 NONE	31/3/1993	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI	
4. 4. GATI RN PAUL, BA, NR.	2/9/1953 2/2/1977	1989 NONE	23/3/1993	1/3/1984 SR.AUDITOR	**	AG(AUDIT), AGARTALA	
5. 5. JAGADINDU NANDY, NR.	23/12/1954 7/6/1972	1989 NONE	16/3/1993	15/12/1987 SR.AUDITOR	9700 1/3/2003	AG(AUDIT), SHILLONG	
6. 6. SUDHANSU SINHA, BSc, NR.	14/3/1954 1/10/1975	1989 NONE	29/4/1993	1/3/1984 SR.AUDITOR	9925 1/3/2003	AG(AUDIT), SHILLONG	
7. 7. JAYANTA KR SARMAH, BA, NR.	1/12/1955 22/11/1982	1989 NONE	31/3/1993	24/12/1983 SR.AUDITOR	**	ON DEPTN WITH THE C.O. THE DIRECTOR L.T.D., MULUK, RAJPIRA	
8. 8. TAPASH DAS GUPTA, BSc, NR.	1/6/1959 27/11/1982	1989 NONE	17/5/1993	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI	
9. 9. SMTI. DIPTI ROY, BA,LLB, NR.	13/12/1945 21/11/1964	1989 NONE	14/2/1994	1/3/1984 SR.AUDITOR	10150 1/3/2003	AG(AUDIT), SHILLONG	
10. 10. RAMANUJ BHATTACHARJEE, BSc, NR.	2/6/1948 13/8/1971	1989 NONE	21/2/1994	1/3/1984 SR.AUDITOR	9700 1/4/2003	AG(AUDIT), SHILLONG	
11. 11. SUKHENDU CHOUDHURY, BCom, NR.	1/8/1949 25/4/1972	1989 NONE	14/2/1994	1/3/1984 SR.AUDITOR	9925 1/4/2004	AG(AUDIT), SHILLONG	
12. 12. BIMALANANDA DEV GUPTA, BA, NR.	1/12/1945 10/7/1972	1989 NONE	14/2/1994	1/3/1984 SR.AUDITOR	9925 1/7/2003	AG(AUDIT), SHILLONG	
13. 13. AMAR KRISHNA DUTTA, BA, NR.	13/6/1949 3/11/1972	1989 NONE	22/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), AGARTALA	
14. 14. RATHINDRA KR BHATTACHARJEE, BCom, NR.	1/5/1947 3/1/1973	1989 NONE	14/2/1994	1/3/1984 SR.AUDITOR	10150 1/2/2003	AG(AUDIT), SHILLONG	

Information not received till printing.

EDNATION LIST/2004-2005

(A.A.O.) Page 10

After 5th增補

Graduation Serial No	Name Educational qualification and Casto (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basis Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
15	SANKAR SEVAK DAS, BA, NR.	16/3/1950 24/12/1970	1989 NONE	16/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), AGARTALA
16	ASHIT DEY, BA, NR.	1/12/1947 19/4/1973	1989 NONE	16/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), AGARTALA
17	KUNU CHOUDHURY, B.Sc, NR.	22/2/1950 18/9/1970	1989 NONE	27/3/1990	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
18	BADAL KANTI MAHAJAN, MA, NR.	25/6/1951 26/8/1976	1989 NONE	25/2/1994	1/3/1984 SR.AUDITOR	**	ON DEPTH. WITH C&AUS OFFICE
19	NARAYAN CH ROY, BCom, NR.	1/11/1951 17/9/1976	1989 NONE	18/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
20	DHIRENDRA CH PAUL, BCom, NR.	26/12/1951 18/9/1976	1989 NONE	25/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), KOKRA
21	SUMIT KUMAR PAUL, BCom, NR.	26/1/1952 16/10/1976	1989 NONE	18/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), KOKRA
22	RANJIT PAUL, BSc, NR.	27/1/1952 4/12/1976	1989 NONE	18/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
23	BIPIN CH PUJARI, NR.	19/1/1952 26/6/1974	1989 NONE	23/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
24	JASHABANTA CHOUDHURY, BSc, NR.	1/3/1957 9/12/1980	1989 NONE	16/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
25	MRIGANKA DESHMUKHYA, BCom, NR.	18/9/1954 13/1/1981	1989 NONE	7/3/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
26	PRADIP KR CHAKRABARTY, BSc(HON), NR.	9/11/1956 22/2/1983	1989 NONE	24/2/1994	27/3/1987 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
27	TAPASH CHANDRA MAJUMDAR, BA, NR.	4/3/1947 3/3/1967	1990 NONE	17/2/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), AGARTALA
28	BHABANANDA PATHAK, BSc, NR.	1/9/1950 1/5/1973	1990 NONE	24/4/1994	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
29	KIRANSASHI DAS, BA, NR.	13/2/1950 17/11/1976	1990 NONE	18/2/1994	1/11/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
30	SUBHASH CH.DUTTA, BSc, NR.	20/2/1951 27/12/1972	1990 NONE	5/5/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), GUWAHATI
31	BHUPAL CH.BHOWMICK, BSc, NR.	1/1/1950 28/2/1973	1990 NONE	5/5/1994	1/3/1984 Sr.AUDITOR	9925 1/5/2004	AG(AUDIT), SHILLONG

S. No.	Name Educational qualification and Caste (SC/ST/UR)	Date of Birth Date of Joining to Govt. Service	Year of Passing SOGC and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay and Date of Increment	REMARKS	
							REMARKS	
31	NIRODE CHAKRABORTY, BA, NR...	1/11/1950 23/4/1973	1990 NONE	10/5/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), AGARTALA	
32	SATYAJYOTI PAUL CHOWDHURY, BA, NR.	1/5/1950 25/4/1973	1990 NONE	5/5/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), GUWAHATI	
33	KIBOCHOURA SINGH, BSc, NR.	1/9/1951 5/1/1976	1990 NONE	10/5/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), JORHAT	
34	ARDHENDU KUMAR DAS, BA, NR.	13/11/1955 6/5/1976	1990 NONE	5/5/1994	1/3/1984 Sr.AUDITOR	9925 1/3/2005	AG(AUDIT), SHILLONG	
35	NIRODE RANJAN BISWAS, BCom, NR.	1/5/1952 2/9/1976	1990 NONE	29/7/1994	1/3/1984 Sr.AUDITOR	**	ON DEPUTATION WITH CAG'S OFFICE	
36	SUBHASH CH. PAUL, BA, NR.	28/1/1950 1/11/1976	1990 NONE	29/7/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), GUWAHATI	
37	BRAJALAL MAZUMDAR, BA, NR.	1/4/1952 15/11/1976	1990 NONE	29/7/1994	1/3/1984 Sr.AUDITOR	**	ON DEPUTATION WITH CAG'S OFFICE	
38	MRIDUL KANTI HORE, BSc, NR.	28/11/1959 15/7/1977	1990 NONE	11/8/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), GUWAHATI	
39	DIPTENDU CHAKRABORTY, BSc(Hon), NR.	14/5/1954 28/11/1977	1990 NONE	30/7/1994	1/3/1984 Sr.AUDITOR	**	AG(AUDIT), KOHIMA	
40	BHABEN CH. KALITA, BA, NR.	1/3/1956 12/11/1982	1990 NONE	20/7/1994	18/12/1986 Sr.AUDITOR	**	AG(AUDIT), GUWAHATI	
41	JOY PRAKASH KUMAR, BSc, NR.	5/2/1956 30/11/1982	1990 NONE	20/7/1994	16/4/1987 SR.AUDITOR	**	AG(AUDIT), GUWAHATI	
42	KALYAN KUMAR DAS (I), NR.	9/12/1948 14/6/1971	1991 NONE	8/6/1995	1/3/1984 SR.AUDITOR	**	AG(AUDIT), AGARTALA	
43	NABENDU DEB, BSc, NR.	1/2/1950 10/11/1972	1991 NONE	5/6/1995	1/3/1984 SR.AUDITOR	9300 1/6/2004	AG(AUDIT), SHILLONG	
44	HARESH CHANDRA BORGOHAIN, BSc, NR.	1/3/1949 23/4/1973	1991 NONE	5/6/1995	1/3/1984 SR.AUDITOR	9703 1/6/2004	AG(AUDIT), SHILLONG	
45	SURYA KUMAR BHAGAWATI, BCom, NR.	1/2/1949 27/4/1973	1991 NONE	5/6/1995	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI	
46	DEBASHISH CHAKRABORTY, BA, NR.	1/8/1951 21/10/1976	1991 NONE	5/6/1995	1/11/1982 AUDITOR	**	AG(AUDIT), GUWAHATI	
47	AJIT KUMAR DEB, BA, NR.	1/4/1951 22/2/1971	1991 NONE	5/6/1995	1/3/1984 SR.AUDITOR	9700 1/12/2004	AG(AUDIT), SHILLONG	
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Information not received till printing.

EMERITUS LIST/2004-2005

(A.A.C.) Page 12

Roll No.	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
49	KHAGEN GOGOI, BSc, NR.	1/9/1957 21/8/1981	1991 NONE	9/8/1995	1/1/1992 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
50	KIRIT KUMAR DUTTA, BSc, NR.	15/9/1950 7/5/1971	1992 NONE	9/7/1996	1/3/1974 AUDITOR	**	AG(AUDIT), AGARTALA
51	BINODE KUMAR HAZARIKA, NR.	1/2/1948 3/11/1972	1992 NONE	8/7/1996	1/3/1984 AUDITOR	**	AG(AUDIT), GUWAHATI
52	SANTOSH DEB NATH, BA, NR.	27/7/1949 6/11/1972	1992 NONE	10/7/1996	1/3/1984 AUDITOR	**	AG(AUDIT), AGARTALA
53	ANIMESH MAZUMDAR, BSc, NR.	6/3/1952 28/2/1973	1992 NONE	10/7/1996	1/3/1984 AUDITOR	**	AG(AUDIT), AGARTALA
54	GOVINDA DEKA, BA, NR.	1/7/1949 7/3/1973	1992 NONE	8/7/1996	1/3/1984 AUDITOR	**	AG(AUDIT), GUWAHATI
55	ANIL BARAN DATTA, BCom, NR.	22/12/1949 2/5/1974	1992 NONE	9/7/1996	1/3/1984 AUDITOR	**	AG(AUDIT), AGARTALA
56	DEBOTOSH CHOWDHURY, BA, NR.	1/8/1949 6/6/1974	1992 NONE	5/8/1996	1/3/1984 AUDITOR	9475 1/3/2004	AG(AUDIT), SHILLONG
57	NAZRUL ISLAM LASKAR, BA, NR.	1/2/1957 27/12/1980	1992 NONE	8/7/1996	1/8/1984 AUDITOR	**	AG(AUDIT), GUWAHATI
58	UAYANTA SANKAR PAUL, MA, NR.	4/2/1956 31/12/1980	1992 NONE	15/7/1996	1/3/1984 AUDITOR	**	AG(AUDIT), GUWAHATI
59	PRADIP DEY, BCom, NR.	10/1/1959 15/1/1981	1992 NONE	19/7/1996	28/2/1984 STENO	**	AG(AUDIT), AGARTALA
60	NURUL ISLAM PRAMANIK, BA, NR.	1/7/1956 4/12/1982	1992 NONE	8/7/1996	1/4/1988 AUDITOR	**	AG(AUDIT), GUWAHATI
61	LIBOCHA SINGH, BCom, NR.	1/1/1957 16/12/1982	1992 NONE	22/7/1996	1/4/1988 AUDITOR	**	AG(AUDIT), IMPHAL
62	ASHIM JYOTI DUTTA, BSc, NR.	30/1/1958 4/6/1983	1992 NONE	19/7/1996	1/4/1988 AUDITOR	**	AG(AUDIT), GUWAHATI
63	ATAPAN KUMAR SARKAR, BSc(HONS, NR.	2/3/1963 11/3/1988	1992 NONE	19/8/1996	1/1/1992 AUDITOR	**	AG(AUDIT), GUWAHATI
64	MADAN CH. NATH, BSc(HON), NR.	1/4/1948 26/12/1970	1993 NONE	3/7/1997	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
65	PARIMAL DUTTA CHOWDHURY, BSc, NR.	1/8/1949 15/5/1971	1993 NONE	4/7/1997	1/3/1976 AUDITOR	**	AG(AUDIT), AGARTALA

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Gradation Serial No.	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
66	AOYINDU DEB, BCom, NR.	28/2/1949 2/11/1972	1993 NONE	3/7/1997	1/3/1976 AUDITOR	**	AG(AUDIT), AGARTALA
67	TAPASH KR. DEY, BSc, NR.	1/3/1950 1/3/1973	1993 NONE	3/7/1997	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
68	DIPAL BHATTACHARJEE, BA, NR.	30/12/1948 15/5/1973	1993 NONE	3/7/1997	1/3/1984 SR.AUDITOR	9700 1/3/2005	AG(AUDIT), SHILLONG
69	ARUNENDU BIKASH ROY, MA, NR.	15/12/1947 16/6/1973	1993 NONE	3/7/1997	1/3/1979 AUDITOR	**	AG(AUDIT), AGARTALA
70	RUPRAJ CHAKRABORTY, BSc, NR.	27/2/1952 26/6/1976	1993 NONE	1/7/1997	1/3/1984 SR.AUDITOR	9700 1/3/2005	AG(AUDIT), SHILLONG
71	MOTILAL DAS, BCom, NR.	18/1/1953 1/7/1976	1993 NONE	10/7/1997	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
72	LALIT GOGOI, BA(HON), NR.	1/12/1957 22/12/1982	1993 NONE	25/7/1997	22/2/1986 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
73	SULTAN MD. SALEHUDDIN AHMED, BSc(HONS), NR.	18/10/1959 24/12/1983	1993 NONE	4/8/1997	26/11/1986 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
74	DEBASISH BHATTACHARJEE, NR.	16/1/1963 8/4/1988	1993 NONE	1/9/1997	1/1/1992 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
75	BINOD BHUJEL, BCom(H), NR.	12/6/1968 17/8/1992	1994 NONE	31/7/1998	1/8/1995 S.O.(AU)	8800 17/2004	AG(AUDIT), SHILLONG
76	PHANI BHUSAN MITRA, BA, NR.	1/1/1949 18/9/1971	1994 NONE	5/8/1998	1/3/1974 AUDITOR	**	AG(AUDIT), AGARTALA
77	RABINDRA CH CHOUDHURY, BA, SC.	1/12/1945 22/11/1971	1994 NONE	3/8/1998	1/3/1984 AUDITOR	9475 1/11/2004	AG(AUDIT), SHILLONG
78	BIDHAN ROY, BSc, NR.	30/6/1951 9/5/1973	1994 NONE	3/8/1998	1/3/1984 AUDITOR	9475 1/3/2005	AG(AUDIT), SHILLONG
79	MUKUL BARUAH, BCom, NR.	1/5/1952 11/7/1974	1994 NONE	4/8/1998	25/3/1986 CLERK	**	AG(AUDIT), GUWAHATI
80	KAMALA KANTA KHATIWADA, BA, NR.	28/7/1955 19/12/1980	1994 NONE	31/7/1998	1/3/1984 AUDITOR	9250 17/2004	AG(AUDIT), SHILLONG
81	MINIBARAN CH GOGOI, BSc, NR.	6/6/1956 18/3/1983	1994 NONE	26/8/1998	1/4/1988 AUDITOR	**	AG(AUDIT), GUWAHATI
82	SHAMPA NAHA, BSc, NR.	14/1/1960 21/7/1988	1994 NONE	24/8/1998	1/1/1992 AUDITOR	8800 18/2004	AG(AUDIT), SHILLONG

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Roll No	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
83	SUBIR NATH MAZUMDAR, BCom, NR.	1/3/1964 9/6/1989	1994 NONE	16/9/1998	1/1/1992 AUDITOR	**	AG(AUDIT), GUWAHATI
84	K.M. KABUI, BSc, ST.	1/3/1965 26/5/1989	1995 NONE	5/7/1999	Not yet confirmed	**	AG(AUDIT), KOHIMA
85	MANI LAL DAS, BA, SC.	1/9/1948 23/4/1973	1995 NONE	2/7/1999	12/3/1984 SR.AUDITOR	9500 1/7/2004	AG(AUDIT), SHILLONG
86	R.K. BHATTACHARYYA, MA, NR.	30/6/1946 26/5/1973	1995 NONE	2/7/1999	1/3/1979 AUDITOR	**	AG(AUDIT), AGARTALA
87	HARIDAS ACHARYYA, BA(HON), NR.	2/2/1955 11/7/1977	1995 NONE	2/7/1999	1/1/1982 AUDITOR	**	ON DEPUTATION WITH C&A.G'S OFFICE
88	PRADIP GOSWAMI, BCom, NR.	1/2/1958 1/11/1982	1995 NONE	2/7/1999	1/4/1988 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
89	RAMESH CHANDRA PEGU, BCom, ST.	21/5/1957 12/11/1982	1995 NONE	5/7/1999	19/5/1989 SR.AUDITOR	**	AG(AUDIT), KOHIMA
90	NAUSAD ALI AHMED, BA, NR.	1/8/1956 20/11/1982	1995 NONE	2/7/1999	1/4/1988 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
91	SUBHASH DEB, BSc, NR.	18/6/1957 15/12/1983	1995 NONE	2/7/1999	1/4/1988 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
92	NAKUL DAS, BA, SC.	3/9/1957 26/3/1979	1995 NONE	2/7/1999	28/2/1984 CLERK	**	AG(AUDIT), AGARTALA
93	SAMSON JOJOWAR, BA, ST.	18/4/1958 23/3/1988	1995 NONE	9/7/1999	1/1/1991 AUDITOR	8575 1/7/2004	AG(AUDIT), SHILLONG
94	DWIJEN KUMAR SUTRADHAR, BA, NR.	13/12/1962 9/9/1983	1995 NONE	2/7/1999	1/4/1988 CLERK	**	AG(AUDIT), AGARTALA
95	PRATIVA RANI DAS, BA, SC.	3/1/1967 20/10/1989	1995 NONE	2/7/1999	20/10/1991 AUDITOR	**	AG(AUDIT), GUWAHATI
96	SUBIKASH DUTTA, BSc, NR.	16/7/1959 7/12/1989	1995 NONE	2/7/1999	14/8/1993 AUDITOR	**	AG(AUDIT), GUWAHATI
97	AITABOLIN MYRTHONG, BA, ST.	1/1/1967 11/11/1988	1995 NONE	2/7/1999	9/11/1990 STENO	8575 1/7/2004	AG(AUDIT), SHILLONG
98	ALOK ACHARYYA, BA(HON), NR.	30/3/1969 9/10/1990	1995 NONE	13/8/1999	25/1/1994 AUDITOR	**	AG(AUDIT), GUWAHATI
99	ENIHAR KANTI BHATTACHARJEE, NR.	1/8/1946 2/5/1966	1996 NONE	1/1/2001	1/3/1984 AUDITOR	9250 1/11/2004	AG(AUDIT), SHILLONG

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Gradation Serial No	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
100	PHUKAN CHANDRA BARMAN, BSc, NR.	1/12/1948 27/10/1972	1996 NONE	1/1/2001	1/3/1984 AUDITOR	**	AG(AUDIT), GUWAHATI
101	ARUN CH. NATH, BA, NR.	22/10/1948 7/3/1973	1996 NONE	1/1/2001	1/3/1984 AUDITOR	**	AG(AUDIT), AGARTALA
102	BROJA KISHOR SINGHA, BA, NR.	1/1/1949 23/4/1973	1996 NONE	1/1/2001	1/3/1978 AUDITOR	**	AG(AUDIT), IMPHAL
103	KARUNAMOY NATH, BA, NR.	1/3/1947 27/4/1973	1996 NONE	1/1/2001	1/3/1978 AUDITOR	**	AG(AUDIT), AGARTALA
104	MANINDRA CHAKRABORTY, BA, NR.	1/9/1949 15/7/1971	1996 NONE	1/1/2001	1/3/1984 SR.AUDITOR	8800 1/3/2004	AG(AUDIT), SHILLONG
105	BIDHU BHUSAN DAS, BSc, NR.	31/12/1952 6/7/1976	1996 NONE	1/1/2001	1/3/1984 SR.AUDITOR	**	AG(AUDIT), IMPHAL
106	A. IBOTON SINGH, BSc, NR.	30/9/1953 1/11/1976	1996 NONE	1/1/2001	1/3/1984 SR.AUDITOR	**	AG(AUDIT), IMPHAL
107	H. TOLEN SINGH, MA, NR.	1/3/1953 15/7/1977	1996 NONE	1/1/2001	1/3/1987 SR.AUDITOR	**	AG(AUDIT), IMPHAL
108	SUNIL NATH CHOUDHURY, BCom, NR.	29/5/1951 25/6/1974	1996 NONE	1/1/2001	1/3/1978 AUDITOR	**	AG(AUDIT), AGARTALA
109	PRADIP KUMAR KURI, BA(HON), NR.	25/8/1957 23/12/1980	1996 NONE	1/1/2001	1/3/1984 AUDITOR	**	AG(AUDIT), IMPHAL
110	SHYMAL KANTI KAR, BCom, NR.	7/10/1953 1/7/1976	1996 NONE	1/1/2001	15/12/1987 AUDITOR	**	AG(AUDIT), IMPHAL
111	UBEDUR RAHAMAN, BCom, NR.	14/12/1959 23/5/1983	1996 NONE	12/2/2001	27/12/1986 AUDITOR	**	AG(AUDIT), GUWAHATI
112	L. MAWIA, ST.	1/7/1961 11/1/1983	1996 NONE	1/1/2001	11/1/1985 AUDITOR	**	AG(AUDIT), IMPHAL
113	RATUL CH. BORAH, BSc(HON), ST.	1/1/1969 29/5/1992	1996 NONE	4/1/2001	29/5/1994 AUDITOR	**	AG(AUDIT), GUWAHATI
114	SARADINDU PAUL, BSc(HON), NR.	22/12/1956 6/6/1983	1996 NONE	12/1/2001	20/4/1987 AUDITOR	**	AG(AUDIT), GUWAHATI
115	ARUP KUMAR PAUL, BA, NR.	5/2/1957 25/8/1983	1996 NONE	12/1/2001	30/3/1987 AUDITOR	**	AG(AUDIT), GUWAHATI
116	PRADIP KUMAR DUTTA, BCom, NR.	3/1/1961 23/3/1988	1996 NONE	12/1/2001	1/1/1992 AUDITOR	**	AG(AUDIT), GUWAHATI

S. No	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
117	A. RITA DEVI, BCom(H), NR.	1/9/1963 30/3/1988	1996 NONE	12/1/2001	30/3/1990 AUDITOR	**	AG(AUDIT), IMPHAL
118	DEBABRATA SAHA, BSc, NR.	6/10/1964 5/4/1988	1996 NONE	12/1/2001	1/1/1992 AUDITOR	**	AG(AUDIT), GUWAHATI
119	PRADIP CHAKRABORTY, NR.	29/7/1961 5/12/1983	1996 NONE	12/1/2001	28/12/1988 AUDITOR	**	AG(AUDIT), GUWAHATI
120	ANIMA SENAPATI, BA,BEd, NR.	17/12/1966 3/11/1987	1996 NONE	12/1/2001	4/11/1989 CLERK	8350 1/1/2005	AG(AUDIT), SHILLONG
121	JAYDIP GHOSH, BSc, NR.	27/6/1967 30/3/1992	1996 NONE	16/1/2001	30/3/1994 AUDITOR	**	AG(AUDIT), AGARTALA
122	SANCHALI ROY, BSc(HON), NR.	16/12/1966 9/4/1992	1996 NONE	28/2/2001	9/4/1994 AUDITOR	**	AG(AUDIT), AGARTALA
123	DIPU BORAH, BSc, NR.	23/8/1968 20/7/1992	1996 NONE	28/2/2001	20/7/1994 AUDITOR	**	AG(AUDIT), GUWAHATI
124	PRATAP CH BARMAH, BSc, NR.	1/1/1948 23/11/1971	1997 NONE	21/1/2002	1/3/1984 SR.AUDITOR	**	AG(AUDIT), KOHIMA
125	SARIT KUMAR CHOWDHURY, NR.	28/4/1947 16/6/1970	1997 NONE	1/1/2002	28/2/1984 AUDITOR	**	AG(AUDIT), AGARTALA
126	PARAKESH SEAL, BSc, NR.	1/11/1950 19/8/1976	1997 NONE	1/1/2002	1/11/1982 AUDITOR	**	AG(AUDIT), KOHIMA
127	BINOY BHASUN DEB, BA, NR.	28/8/1954 10/9/1976	1997 NONE	1/1/2002	1/11/1982 AUDITOR	**	AG(AUDIT), KOHIMA
128	BALAI KR CHANDA, NR.	26/1/1957 8/1/1981	1997 NONE	21/1/2002	1/3/1984 SR.AUDITOR	**	AG(AUDIT), KOHIMA
129	RUPEN KR KAKATI, BA, NR.	1/12/1959 7/12/1982	1997 NONE	1/4/2002	1/10/1986 SR.AUDITOR	**	AG(AUDIT), IMPHAL
130	KALYAN BHATTACHARJEE, BSc, NR.	4/10/1958 18/12/1987	1997 NONE	1/1/2002	1/1/1992 SR.AUDITOR	8350 1/1/2005	AG(AUDIT), SHILLONG
131	K.A. AUGUSTINE, BA BEd, NR.	15/2/1957 21/3/1988	1997 NONE	1/1/2002	20/1/1992 SR.AUDITOR	8350 1/1/2005	AG(AUDIT), SHILLONG
132	HITESH KAKATI, BA, NR.	1/1/1969 2/4/1992	1997 NONE	17/1/2002	2/4/1994 AUDITOR	**	AG(AUDIT), GUWAHATI
133	SIBOTOSH BHATTACHARJEE, BSc, NR.	1/3/1968 3/4/1992	1997 NONE	1/1/2002	3/4/1994 AUDITOR	**	AG(AUDIT), GUWAHATI

Serial No	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
134	LAKSHMI BURAGOHAIN, NR.	1/12/1950 16/12/1970	1998 NONE	1/1/2003	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
135	L.JIBONCHANDRA SINGH, BSc,LLB, NR.	1/3/1957 7/6/1978	1998 NONE	1/1/2003	1/3/1983 AUDITOR	**	AG(AUDIT), IMPHAL
136	PRADIP KUMAR MOITRA, BSc(HON), NR.	20/1/1958 4/2/1980	1998 NONE	1/1/2003	30/6/1999 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
137	ATUL CH. DUTTA, BCom, NR.	26/1/1956 23/11/1981	1998 NONE	1/1/2003	19/5/1989 AUDITOR	**	AG(AUDIT), KOHIMA
138	SUBHASH CH. BHATTACHARJEE, NR.	16/12/1958 29/9/1981	1998 NONE	1/1/2003	1/4/1988 CLERK	**	AG(AUDIT), IMPHAL
139	BIPRAJIT PURKAYASTHA, BSc, NR.	15/3/1967 13/3/1992	1998 NONE	1/1/2003	13/3/1994 AUDITOR	**	AG(AUDIT), GUWAHATI
140	PARTHA SARATHI GUPTA, BSc(HON), NR.	1/1/1970 30/3/1992	1998 NONE	1/1/2003	30/3/1994 AUDITOR	**	ON DEPTN. TO RTC, GUWAHATI
141	FAIZUR RAHAMAN CHOUDHURY, BA, NR.	11/11/1967 5/10/1989	1998 NONE	1/1/2003	5/10/1993 STENO	**	AG(AUDIT), GUWAHATI
142	S.SHALLYNECY D. SYIEM, BSc,LLB, ST.	30/12/1967 16/5/1994	1998 NONE	1/1/2003	16/5/1996 AUDITOR	7900 1/7/2004	AG(AUDIT), SHILLONG
143	SANGHAMITRA DAS GUPTA, BSc(HON), NR.	11/12/1971 6/6/1994	1998 2000	1/1/2003	6/6/1996 AUDITOR	8125 1/9/2004	AG(AUDIT), SHILLONG
144	ARINDAM NATH, NR.	5/11/1968 26/11/1991	1998 NONE	1/1/2003	1/8/1994 CLERK	**	AG(AUDIT), GUWAHATI
145	BISWADEEP CHAKRABARTY, BSc, NR.	2/5/1972 12/5/1994	1998 NONE	23/1/2003	12/5/1996 CLERK	**	AG(AUDIT), GUWAHATI
146	SARAT CHANDRA DAS, BSc, NR.	1/8/1950 3/9/1970	1999 NONE	1/1/2004	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
147	GUNA RAM KALITA, BSc, NR.	9/5/1955 8/1/1981	1999 NONE	1/1/2004	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
148	BIRENDRA SINGH, NR.	1/2/1959 19/12/1981	1999 NONE	1/1/2004	9/12/1983 AUDITOR	**	AG(AUDIT), IMPHAL
149	BIRINCHI KUMAR SARMAH, BSc(HON), NR.	28/12/1956 12/11/1982	1999 NONE	1/1/2004	1/10/1986 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
150	BIREN BORAGOHAIN, BSc, NR.	20/2/1957 31/12/1983	1999 NONE	1/1/2004	30/6/1989 SR.AUDITOR	**	AG(AUDIT), GUWAHATI

S. No.	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
151	GOPAL DEB, BCom, NR.	1/2/1969 1/4/1992	1999 2000	1/1/2004	1/4/1994 AUDITOR	8350 1/2/2005	AG(AUDIT), SHILLONG
152	GAYATRI CHETRI, BA, NR.	1/3/1968 20/4/1990	1999 NONE	1/1/2004	19/4/1992 CLERK	7900 1/1/2005	AG(AUDIT), SHILLONG
153	SNEHANGSHU NATH, BSc, NR.	19/2/1969 11/5/1994	1999 NONE	1/1/2004	11/5/1996 AUDITOR	**	AG(AUDIT), GUWAHATI
154	KAUSHAL BHATTACHARJEE, BCom(HN), NR.	17/12/1971 12/5/1994	1999 NONE	1/1/2004	12/5/1996 AUDITOR	**	ON DETPN. WITH C.& A.G'S OFFICE.
155	SUBHASH KUMAR, BA, NR.	2/2/1969 6/10/1994	1999 NONE	5/1/2004	6/10/1996 AUDITOR	**	AG(AUDIT), GUWAHATI
156	ANIMESH PAUL, BSc(HON), NR.	24/3/1970 5/5/1995	1999 NONE	1/1/2004	5/5/1996 AUDITOR	7675 1/6/2004	AG(AUDIT), SHILLONG
157	DEBABRATA BHATTACHARJEE, NR.	7/10/1972 10/5/1995	1999 NONE	1/1/2004	Not yet confirmed	**	AG(AUDIT), KOHIMA
158	SREEKANTA LAL, MSc, NR.	25/8/1970 23/6/1995	1999 NONE	11/3/2004	23/6/1997 AUDITOR	**	AG(AUDIT), KOHIMA
159	DUGGIRALA SHANTISHREE, BSc(HON), NR.	6/7/1971 26/7/1995	1999 NONE	9/3/2004	26/7/1997 AUDITOR	7675 1/6/2004	AG(AUDIT), SHILLONG
160	SUDIPTA NARAYAN BISWAS, BCom, NR.	30/11/1974 20/12/1995	1999 NONE	10/3/2004	20/12/1997 CLERK	7675 1/6/2004	AG(AUDIT), SHILLONG
161	DIPANKAR DEY (II), BSc, NR.	1/3/1949 31/12/1972	1996 NONE	4/1/2005	1/3/1976 AUDITOR	**	AG(AUDIT), AGARTALA
162	NANI GOPAL PAUL, BSc, NR.	1/4/1950 21/4/1973	2000 NONE	4/1/2005	1/3/1984 SR.AUDITOR	**	AG(AUDIT), KOHIMA
163	BABUL CHANDRA DAS, BSc, NR.	24/12/1956 27/12/1980	2000 NONE	5/1/2005	1/3/1984 SR.AUDITOR	**	AG(AUDIT), IMPHAL
164	SWAPAN KUMAR BOSE, BCom, NR.	14/1/1954 3/1/1981	2000 NONE	4/1/2005	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
165	NABA KUMAR BHATTACHARJEE, BCom, NR.	1/9/1958 4/2/1982	2000 NONE	4/1/2005	4/4/1987 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
166	FINOY KUMAR DAS, BA, SC.	1/10/1955 2/10/1982	2000 NONE	4/1/2005	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
167	SAMIRAN CHAKRABORTY, BSc, NR.	16/11/1958 1/9/1983	2000 NONE	4/1/2005	30/3/1987 SR.AUDITOR	**	AG(AUDIT), GUWAHATI

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S.No	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
168	MANASJ CHAKMA, BA, ST.	3/2/1965 8/2/1990	2000 NONE	4/1/2005	8/2/1992 AUDITOR	..	AG(AUDIT), AGARTALA
169	SUDIPTA DAS GUPTA, BSc(HON), NR.	19/5/1970 19/5/1992	2000 NONE	4/1/2005	19/5/1994 AUDITOR	..	AG(AUDIT), GUWAHATI
170	JAYANTA BARAN ROY CHOWDHURY, M.Sc, NR.	12/12/1970 2/5/1995	2000 NONE	4/1/2005	2/5/1997 AUDITOR	..	AG(AUDIT), AGARTALA
171	JAYANTA GHOSH, BSc(HON), NR.	12/12/1969 30/5/1995	2000 NONE	10/1/2005	1/6/1997 AUDITOR	..	AG(AUDIT), GHUWAHATI
172	GOPAL SINGH, BSc, SC.	1/1/1972 2/6/1995	2000 NONE	4/1/2005	2/6/1997 AUDITOR	7675 4/1/2005	AG(AUDIT), SHILLONG

Information not received till printing.

GRADATION LIST/2004-2005

(A.A.O.) Page 20

After
the
Advocate

23-

Section Officer

Sanctioned Strength = 47 Nos
 Men on Roll = 27 Nos
 On deputation / Foreign Service = 0 Nos
 Scale of Pay = Rs. 8500-200-10500

Serial No.	Name Educational qualification and Caste (SC/ST/NR)	Date of Birth	Year of Passing SOGE and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
1	OM PRAKASH UPADHYAY, BSc, NR	10/2/1971 20/6/1995	2000 NONE	24/12/2001	20/6/1997 AUDITOR	**	AG(AUDIT), GUWAHATI
2	MANIBJOY SINGH, B.Sc, NR.	1/1/1953 3/1/1976	2001 NONE	27/6/2002	1/3/1983 AUDITOR	**	AG(AUDIT), IMPHAL
3	UJISHU BHATTACHARJEE, BSc, NR	1/1/1958 2/6/1983	2001 NONE	27/6/2002	22/4/1987 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
4	ABHUBANESWAR SINHA, BA, NR.	30/10/1953 31/7/1992	2001 NONE	27/6/2002	31/7/1994 AUDITOR	7900 1/2/2005	AG(AUDIT), SHILLONG
5	BALLYDA SAWKMIE, BA, ST.	7/5/1967 23/9/1992	2001 NONE	25/6/2002	23/9/1994 AUDITOR	7700 1/8/2004	AG(AUDIT), SHILLONG
6	BISWAJIT CHOWDHURY, BSc(HON), NR.	12/11/1969 1/11/1994	2001 NONE	27/6/2002	Not yet confirmed	**	AG(AUDIT), GUWAHATI
7	SEBABRATA MAJUMDAR, BCom(HON), SC.	7/6/1969 26/2/1996	2001 NONE	27/6/2002	Not yet confirmed	**	AG(AUDIT), GUWAHATI
8	PRANAJOY BHATTACHARJEE, BSc,BEd, NR.	8/5/1969 24/12/1994	2001 NONE	27/6/2002	24/12/1996 CLERK	**	AG(AUDIT), GUWAHATI
9	KAMALAKHYA DAS, BA, NR.	21/6/1976 29/4/1994	2001 NONE	18/7/2002	29/9/1996 CLERK	6900 1/7/2004	AG(AUDIT), SHILLONG
10	PHANIDHAR HALOI, BSc, NR.	9/1/1951 18/6/1971	2003 NONE	3/2/2004	1/3/1984 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
11	NIRMAL DEORI, BA(HON), ST.	1/11/1955 21/1/1981	2003 NONE	28/1/2004	1/1/1992 SR.AUDITOR	**	AG(AUDIT), GUWAHATI
12	DILIP KUMAR DHAR, BA, NR.	8/2/1962 12/12/1985	2003 NONE	3/2/2004	2/4/1988 CLERK	**	AG(AUDIT), GUWAHATI
13	SHITESH CHANDRA DAS, BCom, NR.	28/12/1963 16/8/1985	2003 NONE	3/2/2004	1/4/1988 CLERK	**	AG(AUDIT), GUWAHATI
14	DEBAPRIYA PURKAYASTHA, BSc(HON), NR.	20/4/1968 18/5/1992	2003 NONE	8/1/2004	18/5/1994 SR.AUDITOR	**	AG(AUDIT), GUWAHATI

Attn: Mr. Advocate

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S. No.	Name Educational qualification and Cast (SC/ST/NR)	Date of Birth	Year of Passing SOGC and Rev.Aud.	Date of Promotion to the Cadre	Date of Confirmation, Post in which confirmed	Basic Pay, and Date of Increment	REMARKS
		Date of Joining to Govt. Service					
1	PAOMA KUMAR DAS R., MCom, NR.	27/5/1971 13/12/1994	2003 NONE	16/2/2004	13/12/1996 ✓ AUDITOR	AG(AUDIT), GUWAHATI	
2	PROZI KR. SINGH, NR.	1/2/1968 30/12/1988	2003 NONE	9/1/2004	Not yet confirmed	“	AG(AUDIT), IMPHAL.
3	PRANJIT SAIKIA, MSc, ST.	1/3/1969 13/2/1996	2003 NONE	28/1/2004	13/2/1998 AUDITOR	“	AG(AUDIT), GUWAHATI
4	SUBRATA SUTRADHAR, BSc, SC.	1/1/1973 3/5/1995	2003 NONE	30/1/2004	3/5/1997 CLERK	“	AG(AUDIT), GUWAHATI
5	NEPAL CHANDRA SARKAR, BCom, NR.	1/7/1960 30/5/1983	2005 NONE	20/1/2005	12/6/1987 SR AUDITOR	“	AG(AUDIT), GUWAHATI
6	MANI KANDAN C, BA, NR.	11/4/1966 28/2/1992	2005 NONE	20/1/2005	6/7/1994 / A/C [Not yet confirmed]	“	AG(AUDIT), KOHIMA
7	SANJOY SEN GUPTA, MA, NR.	30/8/1964 9/4/1992	2005 NONE	20/1/2005	Not yet confirmed	“	AG(AUDIT), AGARTALA
8	PARTHA SARATHI CHAKRABORTY, BSc, NR.	1/1/1968 3/6/1993	2005 NONE	20/1/2005	3/6/1993 “	“	AG(AUDIT), AGARTALA
9	SANTANU BHATTACHARJEE, NR.	1/4/1965 14/12/1980	2005 NONE	20/1/2005	19.3.91 / C/T [Not yet confirmed]	“	AG(AUDIT), KOHIMA
10	RITUL CHANGMAI, BSc(AGRI, NR.	14/9/1971 6/2/1996	2005 NONE	20/1/2005	6/2/1998 AUDITOR	“	AG(AUDIT), GUWAHATI
11	DIKASH RN DAS, SC.	26/6/1971 25/1/1996	2005 NONE	20/1/2005	25/1/1998 AUDITOR	“	AG(AUDIT), GUWAHATI
12	CHIDEMO SHITIRIE, BA, ST.	31/8/1970 22/3/1998	2005 NONE	20/1/2005	23.3.98 / A/T [Not yet confirmed]	“	AG(AUDIT), KOHIMA
13	GANESH, BSc, NR.	16/8/1975 1/3/1999	2005 NONE	20/1/2005	1/3/2001 CLERK 6500 20/1/2005	“	AG(AUDIT), SHILLON

OFFICE OF THE ACCOUNTANT GENERAL (A & E) ASSAM
MAIDAN GAON, BELTOLA, GUWAHATI-781029

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

1. As per Headquarters office letter No. 108-N.2/127-88 dt. 28.2.90 as per as possible the section officers Grade Examination passed staff of Accounts and Entitlement Offices in North Eastern Region on their promotion as Section Officers are to be posted in the Offices from which they passed the above examination.
2. As per Headquarters office letter no. 1334-NGE (APP)/104-95 dt. 01.10.96. the SO/AAOs/AOs/Sr.AOs are to be posted to the office of their choice as far 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 10.4.1974 between the Association and the Accountant General.
 - a. On review the aforesaid policy, it is further decided that the tenure of posting for SO/AAO/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.
 - b. The common cadre officers who have never served at outstation offices may be transferred, subject of course to item (2) above, first from the bottom of the seniority list of that office.

*Affestw
Smt.
Advocate*

- c. The officers who have already served once at outstation offices in their respective cadres and 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 outstation offices in order to facilitate smooth repatriation of their colleagues.
- d. When a batch of officer in a particular cadre rejoins their base office on the same day after completing 1st and 2nd time transfer, the junior most officer from such a batch may be picked up for 2nd/3rd time transfer, if any.
- e. Officers who are due to retire within two years may be exempted from the aforesaid transfer liabilities.
- f. Posting of a particular common cadre officer to an outstation office may be kept in abeyance in case of unforeseen incidents like sudden accidents, demise of family members, serious illness or for urgent administrative reasons.

Authority: A.G's order dt. 22.3.2000 at P/12^N and P/34^C of file no. DAG(A)/2000
C/Ghy/Policy/ Transfer/96.

SD/-

Deputy Accountant General (Admn).

-27-

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

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

As per Headquarters office letter No. 108-N.2/127-88 dt. 28.2.90 as far as possible the Section Officers Grade Examination passed staff of Accounts and Entitlement Offices in North Eastern Region on their promotion as Section Officers are to be posted in the Offices from which they passed the above examination.

28. As per Headquarters office, letter No. 1334-N(GE(APP)/104-95 dt. 01.10.96, the AAOs/Aos/Sr.Aos are to be posted to the office of their choice as far 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.

The tenure of posting in the outstation deficit offices for the first and second time for ~~Sup/Asst~~AsstAOs is 18 months as per agreement held on 10.4.1974 between the Association and the Accountant General.

On review the aforesaid policy, it is further decided that the tenure of posting for A.Os/A.Os 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 filled in excess of 30 (thirty) days will be added to the tenure of 12 months.

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

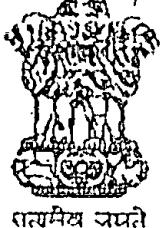
(c) The officers who have already served once at outstation offices in their respective cadres after being posted back to their base offices have remained in their base office for the latest period may be selected first in order of station seniority for posting to outstation in order to facilitate smooth repatriation of their colleagues.

On completion of officer in a particular cadre rejoins their base office on the same day. Completing 1½/2nd time transfer, the junior most officer from such a batch may be called up for 2nd/3rd time transfer, if any.

posting of a particular Common Cadre Officer to an outstation Office may be kept in view in case of unforeseen incidents like sudden accidents, demise of family members, illness or for urgent administrative reasons.

Priority: A.G's order dt. 22.3.2000 at P/12^N and P/34^C of File No. DAG(A)/

Deputy Accountant General (Addl.)



सरकारी चयते

Admn/Audit/6/92-16
16/12/02

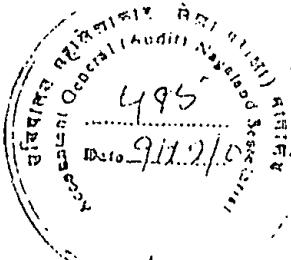
N.R.Rayalu,

28 IV
ANNEXURE 39
SPEED POST
SPEED POST
572
9/12/02
प्र० गणालोकायातर (लेखा परीक्षा), भैपालाय,
अरुणाचल प्रदेश एवं मिज़ोरम
शिलांग - 793 001
6

Pr. ACCOUNTANT GENERAL (AUDIT),
MEGHALAYA, ARUNACHAL PRADESH AND
MIZORAM. SHILLONG - 793 001.

No. Estt.I/Audit/12-3/2002-2003/2682.

Dated: 2 DEC 2002



My Dear Singh

Kindly refer to your D.O.I letter No. Admn/Audit/2-19/Vol-1/92-95/853 Dated 01.10.2002 forwarding a representation of Shri Bijoy Bhusan Deb, A.A.O. for transfer to the Office of the Pr. Accountant General (Audit), Assam, Guwahati with your recommendation.

The Comptroller and Auditor General during his visit to Accountant General (Audit), Nagaland, Kohima in 1999 expressed the view that a roster could be maintained for rotation of staff to offices outside Nagaland. Accordingly, this office being the Cadre Controlling Authority is maintaining a panel with reference to the date of submission of representation of willing AAO/SO and transferring at least two of them to their office of choice every year. In the aforesaid panel, the name of Shri Bijoy Bhusan Deb featured at serial No. 4 as he has submitted his representation in March 2000. The first two empanelled officers have submitted their representation in 8/96 and the third one has represented in 8/99. It is reasonably expected that Shri Bijoy Bhusan Deb, A.A.O. will be transferred in the year 2004.

Best regards

Yours sincerely,

NR Rayalu

Bijoy sent all info
to you on 10/11/02
Shri A.K.Singh,
Accountant General (Audit)
Nagaland, Kohima.

Atul
Advocate

29
OFFICE OF THE PRACCOOUNTANT GENERAL (AUDIT)
MEGHALAYA ETC., SHILLONG - 793 001.

(V.I.)
ANNEXURE (V)

Office Order No. Estt-I/Audit/115

Dated : .11.2005.

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 offices as shown against their names.

Sl. No.	Name S/Shri/Smti	Present place of posting	Place of posting on promotion.
1.	Kanak Ch. Das (II)	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the Pr. A.G. (Audit), Assam, Guwahati
2.	Suresh Babu P.A.	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Nani Gopal Paul, AAO transferred to the O/o the Pr. A.G. (Audit), Assam, Guwahati
3.	Dipendra Kr. Das	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Subhash Kumar, AAO transferred to the O/o the Pr. A.G. (Audit), Assam, Guwahati
4.	H. Ajeto Wasta	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Shreecant Lal, AAO transferred to the O/o the Pr. A.G. (Audit), Assam, Guwahati
5.	Mrinal Kumar	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the Pr. A.G. (Audit), Assam, Guwahati
6.	Hent Bahadur Darjee	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the Pr. A.G. (Audit), Assam, Guwahati
7.	Bendangangnra Aicr	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Nirmal Deori, SO (Audit) transferred to the O/o the Pr. A.G. (Audit), Assam, Guwahati
8.	K. Angami	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Pranjit Saikia, SO (Audit) transferred to the O/o the Pr. A.G. (Audit), Assam, Guwahati
9.	Swapan Nandi	O/o. The A.G (Audit), Tripura, Agartala.	O/o. The A.G (Audit), Tripura, Agartala.

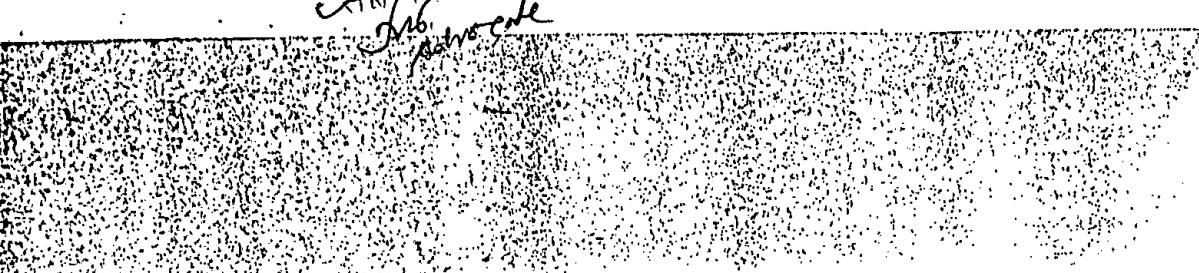
On their promotion as Section Officer (Audit), they are liable to be transferred to the office of the Pr. Accountant General (Audit), Meghalaya etc., Shillong, office of the Pr. Accountant General (Audit), Assam, Guwahati and offices of the Accountants General (Audit), Nagaland, Kohima; Tripura, Agartala,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

Contd... p/2

Affd
16/12/05



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Besides above, the following AAOs/ SOs are transferred to the Offices shown against their names.

Sl. No.	Name	Present place of posting	Place of posting on promotion.
1.	S/Shri/Smti Debashish Chakraborty, AAO	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Subrata Sutradhar, SO (Audit) transferred to O/o. the Pr. A.G (Audit), Assam, Guwahati.
2.	Subhash Chandra Paul, AAO	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Phani Dhar Haloi, SO (Audit) transferred to O/o. the Pr. A.G (Audit), Assam, Guwahati.
3.	N.C. Roy, AAO	O/o the Pr. A.G. (Audit), Assam, Guwahati	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Dilip Kumar Dhar, SO (Audit) transferred to the O/o. the Pr. A.G (Audit), Assam, Guwahati.
4.	Jitesh Chandra Das, SO (Audit)	O/o. the A.G. (Audit), Nagaland, Kohima.	Transferred to the O/o. the Pr. Accountant General (Audit), Assam, Guwahati. A substitute will be posted in his place shortly.
5.	Padma Kumar Das R. SO (Audit)	O/o. the A.G. (Audit), Nagaland, Kohima.	Transferred to the O/o. the Pr. Accountant General (Audit), Assam, Guwahati. A substitute will be posted in his place shortly.

On joining of the aforesaid AAOs/SOs to the O/o. Pr. A.G (Audit), Assam, Guwahati Office, S/Shri Biprajit Purkayastha and Sanchangshu Nath, Assistant Audit Officers may please be released with the instruction to report to the O/o. the Pr. A.G. (Audit), Meghalaya etc. Shillong.
The transfer is in the interest of public service.

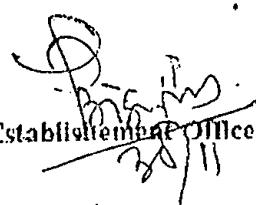
[Authority : Pr. Accountant General (Audit)'s Orders dated 29-11-2005 at page 24th of file No.DAG (A)/Con-C/DPC/S.Os/2005.]

Sd/-
Sr. Deputy Accountant General (Admn).

Contd. P/3...

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 Secretary to the Pr. A.G (Audit), Assam. Beltola, Maidamgaon, Guwahati-29. Enclosed P.Cs. may be handed over to the persons concerned. The date of their release and date of joining of the Officers, under orders of promotion and transfer to the Guwahati Office may please be intimated to this office for record.
3. The A.G (Audit) Nagaland, Kohima. The enclosed P.Cs. may be handed over to the Persons concerned. The date of joining and date of release of officers under of promotion and transfer may please be intimated to this office for record..
Enclo : 8 P.Cs.
4. The A.G (Au) Tripura, Agartala. The enclosed P.C. may be handed over to the Person concerned and his date of joining as SO (Audit) may be intimated to this office for record..
Enclo: 1 PC
5. The A.G (Audit) Manipur, Imphal.
6. The Secretary to the Pr. A.G(Audit), Meghalaya,etc., Shillong..
7. The P.A.O. (Local).
8. The Sr. Audit Officer/Record & Claim
9. The Asstt. Audit Officer's./Conf. Cell/Estt-II/Record.
10. Budget G.L Group/S.B/P.C.Group/Pay fixation group.
11. Officials concerned.
12. Posting Group.
13. Office Order Book.


Establishment Officer.

To
 The Pr. Accountant General (Audit)
 (Cadre Controlling Authority)
 Meghalaya etc. Shillong

[Through Pr. A.G. (Audit), Assam, Guwahati]

Sub :- C.C.A's O.O.No. Estt-1/Audit/115 dt. 29-11-05 - clarification
 regarding Promotion/transfer of SOS/AAOs

Sir,

With reference to part-2 of the Pr. A.G (Audit), Meghalaya etc. order dated 29-11-05, I would like to lay before you with humble submission the following facts for confirmation and consideration of your benign authority.

2. That Sir, as per terms and condition of promotion order (s) issued by the Cadre Controlling Authority (CCA) in respect of the constituents of the common cadre staff (from SOs to Sr. AOs), each & every officer is liable to be transferred to any of the Audit Offices in the N.E.Region.
3. Further more, especially two offices of the N.E.Region located at Kohima and Imphal are regarded & accepted as hard posting places by CCA and the placement of officials on promotion/transfer to those two offices has so far been regulated by a fair policy, mutually acceptable to all concerned which is still in vogue and nothing has come up contrary to that yet.
4. Besides, each person (either from junior or senior of the common cadre of every grade i.e. SO/AAO/AO/Sr.AO) who has never served any of the above mentioned two offices should render a tenure of 18 months once in the event of his promotion to higher grade or by posting through transfer by the C.C.A. in each grade on rotation basis. The procedure is firmly established and have been followed smoothly so far.
5. Consequent upon passing Section Officer's Grade (Civil) examination, I have been promoted and joined as Section Officer (Audit) in July 1991 in the Office of the Accountant General (Audit), Nagaland, Kohima and rendered service for 8 (eight) years as SO/AAO in that office. Thereafter, I have been transferred to the office of the Principal Accountant General (Audit) Assam, Guwahati in February 1999 and working in this office for last 6 (six) years 8 (eight) months only. It may not be out of place to mention here that I have already rendered 29 years of service in various capacity in the IA&AD and only 4 years of service left to attain the age of Superannuation. Further, as asked for vide CCA/Pr. AG (Audit), Assam, Guwahati office circular no. Estt 1 / Au/ 1-51/03-04/101. dated 6.7.04, I have exercised option for placement in the office of the Pr. A.G. (Audit), Assam, Guwahati and that also perhaps stands accepted by the CCA.
6. But Sir, to my surprise, I found myself picked and choosen to be transferred in the same capacity (i.e. AAO) again to the O/o the A.G. (Audit), Nagaland, Kohima vide CCA's order dt. 29-11-05 giving no cognizance to my service rendered earlier for 8 years, while my seniors/juniors in the grade of SOs/AAOs who are yet to serve their tenure under existing norms of transfer policy.

Contd. Pg-2

*After
for Advocate*

7. Sir, in the light of the facts stated above, it is felt that my transfer case to Kohima office deserves further review vis-à-vis established transfer policy.

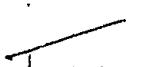
8. Sir, I would, therefore, request your kind intervention before giving effect to my transfer order issued under CCA's O.O. No. Estt.-1/Audit/115 dt. 29-11-05, in addition, following points may kindly be clarified and communicated to me early.

- a) The basis / policy which guides my transfer to the O/o the A.G. (Audit), Nagaland, Kohima leaving my seniors/ juniors in common cadre untouched who are yet to serve their tenure at hard posting places viz. Kohima/ Imphal offices.
- b) Please specify the tenure of my present posting to AG (Audit), Nagaland, Kohima vis-à-vis order dt. 29-11-05.

Sir, with due respect, I would say that order of my transfer would cause an unwarranted hardship to my domestic as well as financial front. Thus my case may kindly be looked into sympathetically and the fate of my representation communicated early, so as to, relieve me of my mental agony and also to help me restore my family peace that has broken down due to the sudden transfer order issued to me.

With profound regards,

Yours faithfully,


(Subhash Ch. Paul)
AAO
O/o the Pr. A. G. (Audit),
Assam, Guwahati

Copy to :-

Copy 1
Copy 2
The Pr. AG (Audit), Assam, Guwahati, for information with an earnest request to take up the matter with his considered favorable & sympathetic recommendation please.

9/12/05
(Subhash Ch. Paul)
AAO

34

By Speed Post

प्र० महालेखाकार (लेखा परीक्षा), मेघालय,
अरुणाचल प्रदेश एवं मिजोरम का
कार्यालय, शिलांग - 793 001



Gram : AGAUDIT.
SHILLONG
तार : चम्पेश्वर पिलान
FAX : 0364-2223494
PABX NO : 2223861

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

संख्या
No. Estt-1/Audit/12-3/2005-06/3182

दिनांक
Dated : /12/2005.

To

The Sr. Audit Officer(Admn),
The Pr. Accountant General (Audit),
Assam, Maidamgaon, Beltola, Guwahati-29.

Subject:- Forwarding of representation in respect of Shri Debasish Chakraborty, AAO and Shri Subhash Ch. Paul, AAO.

Sir,

In inviting a reference to your office letter No. Estt-1/Audit/9-11/2005-06/2753 dated 13-12-05 on the subject cited above, I am directed to state that the Pr. Accountant General has duly considered the representation of Shri Debasish Chakraborty and Shri Subhash Ch. Paul, Ass'tt. Audit Officer's but their request cannot be acceded to.

Shri Dehashish Chakraborty and Shri Subhash Ch. Paul, AAO's may please be released immediately under intimation to this office.

Yours faithfully,

Sd/-

23 DEC 2005 Establishment Officer

Memo No. Estt-1/Audit/12-3/2005-06/3183-3184

Dated : /12/2005.

Copy forwarded for information to :-

1. Shri Debasish Chakraborty, AAO, O/o. the Pr. Accountant General (Audit), Assam, Guwahati with reference to his application dated 09-12-2005.
2. Shri Subhash Ch. Paul, AAO, O/o. the Pr. Accountant General (Audit), Assam, Guwahati with reference to his application dated 09-12-2005.

Establishment Officer

Attested
Advocate

24.246(1)(a)/CAG/2005-CT 21-10-05
Confidential

No.530-AC-II/340-2005 Vol. I

भारत के नियन्त्रण-महालेखापरीकार का कार्यालय

10, बहादुरशाह ज़क़र मार्ग,
नई दिल्ली - 110 002

OFFICE OF THE
COMPTROLLER & AUDITOR GENERAL
OF INDIA

10, BAHADUR SHAH ZAFAR MARG,
New Delhi - 110 002

दिनांक / DATE 21/10/05

TO/CAG/1105/39

21.10.2005

To

The Accountant General (A&E)
Assam,
Guwahati-781029

Subject:

Report on the state of Accounts and Entitlement Functions in the
North East.

Dear Sir,

The report on the above subject compiled by the undersigned relating
to your office is enclosed.

The Comptroller and Auditor General has desired that an action plan
should be drawn up and implemented for setting right the deficiencies pointed out.

Yours faithfully,

(K.G. Mahalingam)
Director General (AEC)

Encl: As above

दूरध्वानि / Phone : 23231440, 23231761
टेलेक्स / Telex : 031-65581, 031-65847

तार / Telegram : ARGEL NEW DELHI
फैक्स / Fax : 91-11-23235416, 91-11-23234014

Mr. Advocate

Arising from the office wise analysis as above certain broad conclusions can be drawn.

1. Barring Tripura, receipt of initial accounts from the treasuries and Divisions is inordinately delayed. While AGs are regularly taking up the matter with the state governments, this problem is likely to persist. One direct consequence of this delay is that no accounting work takes place in AGs office in those months when treasury accounts are not received. Not only the compilation work per se but also the attendant items of work such as posting of broadsheets, loan accounts, inward and outward account, DCRG voucher postings, GL vouchers postings etc get deferred. When the arrears accounts are received in bulk, priority is given to compilation of monthly civil accounts and ancillary items of work such as postings in Broadsheet, GL vouchers postings, pairing of checks either lag behind or are not taken up at all. AGs have been requested to take note of this failing and ensure that all ancillary accounting items of work are simultaneously brought up to date along with compilation of monthly and annual accounts.
2. As brought out in the state-wise analysis many internal control checks prescribed in the M.S.O. are not being exercised in the entitlement wings of the offices. D.G. (Inspection) reports of these offices highlight these failures. Restoring these checks will go a long way in checking frauds and misappropriation. D.G.(Inspection) audit of A&E offices could be made annual wherever they are so at present.
3. Central Audit of entitlement work is either not done or if done it has no results to show. A system of issuing monthly audit certificates, along with audit notes (including nil audit notes) to the entitlement sections could be introduced to supplement the internal controls of A&E office.
4. North Eastern offices have a combined cadre of Sr.AOs, AOs, AAOs and SOs since 1971 when these offices came into existence. Deficit offices like Nagaland and Manipur perennially depend on the offices of Assam, Tripura and Meghalaya for their requirements of staff. Since the tenure of these officers is eighteen months, the turnover of stable is very fast. Also, as a matter of policy, only junior most officers on promotion are posted to these offices. This causes serious instability in the functioning of these two small offices. Separation of cadres which is long over due needs to be seriously considered if improvements by way of stability are to be brought about.
5. The position is also somewhat similar in the case of IA&AS officers also whose tenure of 2 years is frequently cut short by too many training and other assignments. Continuous leadership is essential.

Annexure -IX

AAOs/SOs who have never been posted and served Kohima/Imphal etc.

SENIORS (AAOs).

Sl. No.	Sl. No. of Gradation List.	Names of Officer(s)
		Shri
1.	17	Karu Choudhury.
2.	23	Bipin Pujari.
3.	24	Jashabanta Choudhury.
4.	25	Mriganka Deshmukhya.
5.	26	Pradip Chakraborty.
6.	28	Bhabananda Pathak.
7.	30	Subhash Ch. Dutta.
8.	31.	Bhupal Ch. Bhowmick.
9.	35	Ardhendu Kumar Das.
10.	41	Bhaben Ch. Kalita.
11.	44	Nabendu Deb.
12.	46	Surya Kumar Bhagawati.

JUNIOR(S).

13.	58	Jayanta Sankar Paul.
14.	62	Ashim Jyoti Dutta.
15.	68	Dipal Bhattacharjee.
16.	70	Rupraj Chakraborty.
17.	72	Lalit Gogoi.
18.	75	Binod Bhujel.
19.	113	Ratul Chandra Bora.
20.	115	Arup Kumar Paul.
21.	116	Pradip Kumar Dutta.
22.	119	Pradip Chakraborty.
23.	123	Dipu Borah.
24.	132	Hitesh Kakaty.
25.	134	Lakshmi Buragohai.
26.	136	Pradip Kr. Moitra.
27.	140	Partha Sarathi Gupta.
28.	141	Faizur Rahaman Choudhury.
29.	144	Arindam Nath.
30.	146	Sarat Ch. Das.
31.	147	Guna Ram Kalita.
32.	156	Animesh Paul.
33.	160	Sudipta Narayan Biswas.

FN - Upto Serial No. 9 (Gradation list Serial No. 35) are senior to Sri Subhash Ch. Paul.

SELECTION OFFICER (S)Sl. NO.

1.	24	Ritul Changmai.
2.	25	Bikash Rn. Das.
		Kanak Ch. Das
		Mrinal Kumar.
		Hembahadur Darjee.

} Promoted in

After 5th promotion

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Annexure - X

Staff transferred from Guwahati/Shillong/Tripura etc. to Kohima.
Office and transferred back to original Station.

Sl. No.	Name of Officer(s) S/Shri.	Office from where transferred.	Date of issue of transfer order.	Office where posted.	Date of posting back.	Where posted back.	Month of retension.
1.	U. Rahman, S.O.	Guwahati.	23.6.2000	Kohima.	9.5.02.	Guwahati.	22+
2.	Saradindu Pauk, S.O.	"	"	"	4.3.02	do	20
3.	Samiran Chakraborty, S.O.	"	4.1.02	"	13.8.03.	do	20
4.	Manasij Chakma, S.O.	Agartala.	5.11.01.	"	8.1.04	Agartala	
5.	Sudipta Das Gupta, S.O.	Guwahati.	do	"	26.5.03	Guwahati	18+
6.	Swapan Bose, S.O.	do	9.5.02	"	8.01.04	do	20+
7.	Kamalakhya Das, S.O.	Shillong.	26.6.02	"	"	Shillong.	18+
8.	Sebabrata Mazumdar, S.O.	Guwahati.	22.1.03	"	28.9.04	Guwahati.	21
9.	Jishu Bhattacharjee.	do	26.5.03	"	20.1.05	do	20
10.	Subhash Kumar, S.O.	do	13.8.03	"	29.11.05	do	28
11.	Sreekant Lal "	do	"	"	29.11.05	do	28
12.	N.G. Paul, S.O.	do	"	"	"	do	28.
13.	Phabudhar Haloi "	do	8.1.04	"	"	do	23
14.	Nirmal Deori, S.O.	do	8.1.04	"	do	do	23
15.	Dilip Dhar, S.O.	do	do	do	do	do	23
16.	Jitesh Das, "	do	do	do	do	do	23
17.	Pranjit Saikia, "	do	do	do	do	do	23
18.	Subrata Sutradhar "	do	do	do	do	do	23
19.	Padma Kr. Das. "	do	do	do	do	do	23

Attest
Smt.
Advocate

49

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. BG of 1996.

Date of Order : This the 21st Day of August, 1996.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Sri Tridib Ranjan Dey,
son of late Tarini Moran Dey.
Udalgachipa, Kahilipara,
Guwahati - 34.

By Advocate S/Shri J.L.Sarkar &
M.Chanda.

... Applicant

- versus -

1. Union of India
through the Comptroller & Auditor General,
New Delhi.

2. Accountant General (A&E)
Assam, Shillong.

3. Accountant General (A&E)
Nagaland, Kohima.

4. The Deputy Accountant General.

Administration,
Office of the A.G.(A&E), Guwahati,
Christian Basti, Guwahati-5.

... Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.



O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

Each of the 7 States of the North Eastern Region
has its own Accountant General. Each of the individual
Accountants General is a cadre controlling authority in
respect of staff upto the level of Supervisors. Section
Officers as well as Assistant Accounts Officers have
common respective cadres for all 7 States and the
Accountant General (A&E) Assam, Shillong is the cadre
controlling authority of these two cadres.

*Shri J.L.Sarkar
Advocate*

2. The applicant was initially appointed as a Stenographer in the office of the Accountant General (A&E) Nagaland, Kohima. He was promoted to Section Officer on 23.5.90 and he was posted in the same office, namely, Accountant General (A&E) Kohima. It is understood during the course of hearing that the post of Section Officer is a non-gazetted post. The applicant was transferred to Guwahati in the office of the Accountant General (A&E), Assam on compassionate ground on 3.1.92 as Section Officer. While he was serving in that office in Guwahati he was promoted to the gazetted post of Assistant Accounts Officer (AAO for short) on 4.2.94. He continued in the post till he was transferred to the office of the Accountant General (A&E) Nagaland, Kohima vide the impugned order dated 31.5.96. By virtue of the interim order in this O.A. he has not yet been relieved.

3. According to the respondents since the applicant had already stayed at Guwahati for more than four years he was transferred back to his base office in Nagaland where a vacancy was available. Further according to them the applicant was due for such transfer as he was a seniormost among the Section Officers and AAOs transferred to Guwahati from Nagaland office reckoning with reference to their dates of joining at Guwahati. According to the applicant the nomenclature "base office" used by the respondents in the written statement is misleading and it has been intended only to frustrate the fair policy of transfer and posting. He contends that the post of AAO carries an all North Eastern Region transfer liability as evident from

contd. 3...

para 3 of his appointment letter dated 4.2.94 and, therefore, the question of calling him back to base office as claimed by the respondents does not arise. Further, he claims that this concept of base office as far as it relates to the AAO was raised only in order to discriminate against him. I find that the contention of the respondents regarding 'base office' is based on the letter No.108-N.2/127-88 dated 28.3.90 from the Comptroller and Auditor General of India to the Accountant General(A&E), Assam. This letter reads as below :

Subject: Posting of Section Officers/Assistant Accounts Officer 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/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 on their promotion as Section Officers may be posted in the offices from which they passed the above examination.

At the time of issue of the impugned transfer order the applicant is an AAO. (I therefore find that this instruction contained in the letter quoted above cannot apply to him).

Apparently, initially reference was made with regard to the posting of Section Officers and AAOs to the office of the Accountant General(A&E), Tripura, Agartala. But the effective decision of the Comptroller and Auditor General of India is only in respect of Section Officers of North Eastern Region and these instructions relate particularly to the posting

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of the staff on their first promotion to the post of Section Officer. The contention of base office raised by the respondents in respect of posting and transfer of AAO is therefore unfounded. No other transfer policy has been shown by the respondents apart from the above. Further the appointment letter of the applicant also does not show that the AAOs are compulsorily liable to be transferred to their 'base office'. On the other hand, they have all North Eastern Region transfer liability.

4. The applicant is of the view that fair policy of transfer and posting of AAOs had not been adopted by the respondents. When the AAOs have all North Eastern Region transfer liability fairness demands that the longest stayee officer should be transferred to hard stations like Kohima but in actual facts, at the choice of the dealing officers concerned, several officers have the privilege of remaining at the same stations such as Shillong and Guwahati and they have never been posted out. He has cited examples of officers both junior and senior to him who were after promotion retained in the same stations and have never been transferred or posted to hard stations such as Kohima. The respondents refuted by stating that there were vacancies in the respective base offices of those officers to accommodate them and therefore the question of transferring them to other stations does not arise. They also submitted, list of officers as per Annexure-Q to the written statement.

During the course of hearing, the applicant pointed out to the remarks posted in his base office made by the respondents in column 7 of the list against serial No. 2.

Shri Dibakar Choudhury and No.3, Shri Kali Sadhak Bhattacharjee and submitted that wrong statement has been made by the respondents as these officers have not yet been posted out of Guwahati though they have stayed longer than him in Guwahati office. Learned counsel for the respondents could not furnish supporting transfer orders of the two AAOs. The applicant claims that this is a clear case of discrimination against him. It is also his contention that AAOs in the cadre should be posted by rotation on the longest stayed basis. I am not convinced by the contention of the applicant that he has been discriminated against while he was transferred to Kohima by the impugned order.

The respondents had issued a Circular No.DAG(A)/1-3/94-95/375 dated 2.9.94 calling for options to be exercised by various categories of officers. The applicant exercised his option

dated 17.9.1994 in respect thereto and his choice is

Accountant General (A&E) Assam as first preference and Accountant General (A&E), Nagaland, Kohima as second preference. In other words it is a clear indication that he wants to remain in Guwahati failing which he has no objection to be transferred to Kohima. He has therefore no case to resist his transfer to Kohima. (The next question is when

Guwahati is his first choice why the applicant could not be retained in Guwahati.) Going by the contentions of the respondents in this O.A. it appears that this was not due to discrimination but it is a result of misconception of the afo: said "base office" transfer policy which is not applicable to the transfers and postings of AAOs.

5. . . Another contention of the respondents is that the application is liable to be dismissed as the applicant had approached this Tribunal without submitting any representation to the competent authority against the impugned order and therefore he had not exhausted the official remedies. The contention of the applicant is that he had no time for filing representation or opportunity to approach the competent authority as he had received the impugned order on 6.6.96 directing his release with effect from the afternoon of 7.6.96. Thus it is seen that it is true that the applicant had not given any opportunity to the respondents to re-consider the case of his transfer.

6. Other contentions of the applicant relate to his personal problems such as construction of his house and illness of his mother. These are best left to be considered by the respondents.

7. The respondents have submitted that the options received in response to the Circular dated 2.9.94 have not yet been acted upon. I have held as above that the 'base office' transfer policy is not applicable to the AAOs but it pertains to the posting of the newly promoted Section Officers. In the light of the above I consider that it will be fair and reasonable for the respondents to re-consider on merit the case of transfer of the applicant and they are accordingly directed hereby. For this purpose the applicant may submit a representation to the competent authority of the respondents within seven days from today. Further the respondents are directed to dispose of the

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representation of the applicant, if any, within three weeks from the date of its receipt. The operation of the impugned order is stayed till disposal of the representation and will stand automatically vacated after the disposal of the representation. Further, it is made clear that if the applicant fails to submit the representation within the stipulated time mentioned above, the respondents are at liberty to enforce the operation of the impugned order.

The application is disposed of with the directions mentioned above. No order as to costs.

Sd/- MEMBER (ADMN)

TRUE COPY

S. J. S.
21/8/96
Section Officer (Judicial)
Central Administrative Tribunal
Gowaball Road, Guwahati

18/2/96

A. H. S.
Advocate

To

**The Principal Accountant General (Audit),
Meghalaya, Mizoram and Arunachal Pradesh,
Shillong-793 001.**

(Through the Principal Accountant General (Audit), Assam, Guwahati)

Ref: Letter No. Estt-I/Audit/12-3/2005-06/3182 dated 23 December 2005.

**Sub: CCA's O.O. No. Estt-I/Audit/115 dated 29 November 2005—clarification
regarding promotion/transfer of Section Officers/Assistant Audit Officers.**

Sir,

Most respectfully, I would submit the following few facts for your kind and sympathetic consideration:

Sir, the transfer from one station to another is made as per policy and practice and for this, I had submitted my representation on 9 December 2005 seeking clarification for (i) basis/policy guiding my transfer and (ii) the tenure of posting.

Sir, In the case of my transfer, policy and practice of transfer for 18 months on seniority basis has not been followed, consequently, I have been made a victim of pick and choose policy, and have been put to immense financial hardship and tremendous mental agony upon me and my family, which may even cause serious damage to my family.

Moreover, I fail to understand the reasons for such transfer neglecting established norms of transfer followed till recent past.

Sir, I had already served at Kohima office for eight years (which is considered a 'difficult station') and in consideration of this long period of service at that station, I was brought back to Guwahati.

Sir, in your letter dated 23 December 2005 summarily rejecting my representation without indicating any ground/reasons has immensely pained me, while my juniors/seniors in the grade of Section Officers/Assistant Audit Officers, who are yet to serve their tenure in difficult station and have been staying for a long period at Guwahati have been retained, my case has not accorded reasonable and due consideration.

*Affected
Advocate*

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In addition, I, most humbly place before you that my daughter (a candidate of H.S.S.L.C 11 year/SEBA course) and son (Class-VI—CBSE course) are studying in Guwahati and their final examination is expected to be held in the month of March 2006. During this crucial time of their examination, they expect me with them for coaching/guidance for better result/bright future and I being father, cannot deny my responsibility and deprive them of their legitimate demands. Further, my widowed mother aged 85 years staying with me is suffering from multiple ailments and my presence in the station is very much essential to take care of her day-to-day treatment and well being.

In view of the facts stated above, I humbly request you kindly to reconsider my case and issue necessary orders for my retention at Guwahati office for which act of kindness, I shall remain grateful to you.

Yours faithfully,

Subhash Ch. Paul
05/01/2006
(SUBHASH CHANDRA PAUL),
Assistant Audit Officer,
O/o the Principal Accountant General (Audit),
Assam, Beltola, Guwahati-781029.

Copy to the Principal Accountant General (Audit), Assam

Guwahati for information with an earnest request
to take up the matter with his Considerable favoursable
and sympathetic recommendation. Please. Copy addressed
to the CCA, Shillong is enclosed for ready reference.

Subhash Ch. Paul

05/01/2006

Assist Audit Officer
O/o the Principal Accountant
General (Audit),
Assam, Beltola, Guwahati-
781029

Received
Date 11/01/06
For AGI Section
05/01/06

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VAKALATNAMA
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati BENCH

OA NO.....13.....of 199 2006

Shri Subash Chandra Paul Appellant
Petitioner

Versus

Union of India & Ors. Respondent
Opposite party

Know all men by these Presents that the above named
do hereby
nominate, constitute and appoint Shri *J. L. Sarkar & S. Nath*.

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

16th day of *January* 199 2006

Advocates

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

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

Received from the executant and accepted

And Accepted

J. L. Sarkar
Advocate

S. Nath
Advocate



From: T. P. Pearce
M.A. M.A.

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To

Mr. C. G. S. C.
C. S. C. / Gr. Sch.

Dear Sir,

Kindly receive &
copy given on being filed before
this Hon'ble Tribunal for your
use.

Yours truly

T. Pearce

(T. Pearce)
C. S. C. /
Gr. Sch.

Received
Usha Das
Add Encl
16/01/06.
For (G. Basu)
S. C. S. C.

14/1/06

28/4/06
10/06
51

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI

O.A. NO. 13 OF 2006

Sri S.C. Paul

..Applicant

-vs-

Union of India & Ors

..Respondents

The written statement on behalf of the Respondents above named –

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH :

1. That with regard to the statements made in paragraph 1 of the application the answering respondents have no comment.
2. That with regard to the statements made in paragraph 2 of the application the respondents beg to state that the Hon'ble Tribunal has no jurisdiction in 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 incidence of service and the employer is the best judge of utilising his services. Transfer is not a punishment as it is not included as one of the penalties in the C.C.S. (CCA) Rules, 1965. The scope of interference is limited in as much as the courts should not interfere in the judgement exercised by the administrative authorities unless the impugned transfer order has been passed in violation of the statutory rules/instruction or having been passed such an order or it has been passed or extraneous or collateral grounds or suffered from the vide of malafide on the part of the authority who has passed or approved the order. In the case of Union of India –vs- H.N. Kirtania the Hon'ble Supreme Court held “Transfer of a public servant made on administration 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 violation of statutory rules or on grounds of malafides”.
3. That with regard to the statements made in Paragraph 3 of the application the answering respondents have no comment.

4. That with regard to the statements made in paragraph 4.1 of the application the answering respondents have no comment.
5. That with regard to the statements made in Paragraph 4.2 and 4.3. of the instant application the respondents beg to state that the applicant Shri S.C. Paul joined as Auditor in the O/O the A.G., Nagaland, Kohima on 1.11.1976. He was promoted as Senior Auditor, Section Officer and Assistant Audit Officer on 1.3.1984, 8.7.1991 and 29.7.1994 respectively. On 26.4.1993 the applicant submitted a representation to the A.G.(Audit), Assam, Meghalaya etc., Shillong. The aforesaid representation was considered and A.G.(Audit), Nagaland, Kohima was informed that the same has been noted and will be considered in due course, subject to administrative convenience. Pursuant to above, the applicant was transferred to the O/O the A.G.(Audit), Assam, Guwahati vide office order No. Estt-1/Audit/248 dated 4.2.99. Thus the question of posting has no relevance to his transfer order.

Copies of the representation dated 26.4.1993 and letter to the A.G.(Audit), Nagaland, Kohima dated 8.6.1993 are annexed herewith and marked as Annexure-I and II.

6. That with regard to the statements made in paragraph 4.4. of the instant application the respondents beg to state that the policy formulated by the respondents as stated by the applicant and annexed as Annexure-III to the OA No.13 of 2006 relates to the Office of the A.G.(A&E), Assam, Guwahati and other offices of the North Eastern Region of Accounts stream. This has nothing to do with the Audit Stream, which has a different entity all together.
7. That with regard to the statements made in paragraph 4.5 of the instant application the respondents beg to state that the intention of the department is to rotate the Nagaland based officers out of Nagaland for a brief period of time. Such officers are 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. The exercising of option and separation of cadre is under process. Exercising of option has nothing to do with the present transfer order.

8. That with regard to the statements made in paragraph 4.6 of the instant application the respondents beg to state that the interpretation of the applicant regarding rotation policy has got no basis and hence the averment made in this paragraph are denied by the Respondents.
9. That with regard to the statements made in paragraph 4.6-A and 4.7 of the instant application the respondents beg to state that the averment made in these paragraphs are not correct and hence the same are denied. The Respondents further beg to state 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 and communicated to the Pr. A.G.(Audit), Assam, Guwahati. Thus it is denied that a predetermined reply was given with closed mind.
10. That with regard to the statements made in paragraph 4.8 of the instant application the respondents beg to state that it would be evident from Annexure-VIII 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 an Asstt. Audit Officer of the Audit Office which is a distinctly separate entity from Accounts and Entitlement functions has nothing to do with the applicant's transfer order.
11. That with regard to the statements made in paragraph 4.9 of the instant application, the respondents beg to state that the same are untrue, and incorrect and hence the same are denied. The Respondents are not bound to transfer back Nagaland based officials from Kohima after a period of about 18/24 months. A list is given herewith showing the names of Asstt. Audit Officers who were never transferred from Nagaland.

A copy of the list showing the names of Asstt. Audit Officers who were never transferred outside their base office, Nagaland is annexed herewith as Annexure-III.

12. That with regard to the statements made in paragraph 4.10 of the instant application the respondents beg to state that the Hon'ble C.A.T., 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. The Respondents further beg to state that in OA No.536 of 1990 CA 240/1990 and OA No. 537 of 1990 CA 241/1990 the Hon'ble C.A.T., Calcutta has opined that transfer is an incident of service and since the applicants are admittedly

holding transferable jobs, dismissed the prayer for quashing the order of transfer.

Copy of the OA No.536 of 1990 CA 240/1990 OA No.537 of 1990 CA 241/1990 is annexed herewith as Annexure-IV.

13. That with regard to the statements made in paragraph 4.11 of the instant application the respondents beg to state that those are personal knowledge of the applicant and hence the answering respondents can not admit or deny the same.
14. That with regard to the statements made in paragraph 4.12 of the instant application the respondents beg to state that there was no breach of any system and Rules of transfer.
15. That with regard to the statements made in paragraph 4.13 of the instant application 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 from various station from time to time. The applicant was transferred on bonafide grounds and in public interest to the office of the Accountant General (Audit), Nagaland, Kohima.
16. That with regard to the statements made in paragraph 4.14 of the instant application the respondents beg to state that the applicant was transferred to Guwahati on the basis of a representation submitted by him. It was expected that in all these years in Guwahati he would have sorted out his domestic problems.

It is further submitted that in Gujarat Electricity Board Vrs. V. Atmaram Sangomal Poshani, 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 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 other.

The above decision was followed by the Hon'ble C.A.T., Jodhpur Bench in the case of Shri Mahendra Kishore Sharma Vrs. Union of India and others.

17. That with regard to the statements made in paragraph 4.15 and 4.16 of the instant application the respondents beg to state that in view of what has been submitted in the foregoing paragraphs the present transfer order of the applicant has neither violated provisions of Article 14, 16(1) and 21 of the Constitution nor flouted any rules. In this connection deponent beg to submit further that the Hon'ble Lordship of Apex Court at Para 4 of the Judgement in the case of Mrs. Shilpi Bose Vrs. State of Bihar 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 order 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 above decision was followed by the Hon'ble C.A.T. Cuttack Bench in N. Redden Vrs. Union of India.

18. That with regard to the statements made in paragraph 4.17 of the instant application the respondents beg to submit that there is no cause for the Hon'ble Tribunal to interfere in the transfer order of the applicant and the application is liable to be dismissed.
19. That with regard to the statements made in paragraph 4.18 of the instant application the respondents beg to submit that the applicant has filed the application only to delay his transfer without any bonafide reasons and as such the Original Application is liable to be dismissed.
20. That with regard to the statements made in paragraph 5 of the instant application the respondents beg to state that in the context of all that has been stated in reply to various paras, there is no ground to sought for and the applicant is not entitled to any reliefs prayed for. The Respondents further beg to state that the grounds set forth in the instant application are not good grounds for filing this application and hence the original application is liable to be dismissed.
21. That with regard to the statements made in paragraph 6 and 7 of the instant application the respondents beg to state that the matter are within the personal knowledge of the applicant hence the respondents do not admit or deny the same.
22. That with regard to the statements made in paragraph 8 and 9 of the application the respondents beg to state that in view of the facts and circumstances of the case and as per the law laid down by the Apex Court and the Hon'ble CAT, Principal Bench, the applicant is not entitled to any relief or interim relief as prayed for and the application is liable to be rejected at the admission stage itself.

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 1-4, 6-10, 13 - 22 are true to my knowledge and belief. Those made in paragraph 5, 11, 12, **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

 **DEPOVENT**

27/4/06

 **Principal Accountant General (Audit),
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong.**

Please

ANNEXURE - I

To

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

Through the Accountant General (Audit), Nagaland, Kohima

Sub:- Transfer to the Office of the Accountant General (Audit),
Assam, Meghalaya etc. Guwahati

Sir,

I have the honour to lay before you the following few lines for favour of your kind consideration and sympathetic action.

That Sir, I had joined in the combined office of the Accountant General, Nagaland, Kohima as Auditor on 1.11.76 and consequent upon passing Section Officers Grade Examination (Civil-Audit) held in November 1990 and was promoted to officiate as Section Officer (Audit) in the Office of the Accountant General (Audit) on 8.7.91 and rendered service for a period more than 22 (twentytwo) months.

That Sir, I have been serving at Kohima where there is no Bengali medium school. I intend to get my daughter (aged 6 years 5 months) educated in Bengali medium school. Since there is no Bengali medium school here at Kohima, it has thus been a great bar in my efforts. Finding no other alternative, I have already got her admitted into a Bengali medium school at my Hometown (Ramkrishna Nagar, Karimganj). Now my daughter is staying with her mother at my hometown and there is no male member at my home to look after the education, welfare and security of them. Since I am staying at Kohima leaving behind my daughter on my wife, I find great difficulty in imparting proper guidance/education to my daughter and take care of other aspects of her life. All these problems what I have been facing now can be tode over if I am posted in a place like Guwahati where syllabus and curriculum are same with that of her existing one (with which she is already, acquintted).

That Sir, apart from my daughter's education, I would like to mention here that my old aged parents (Father aged 80 years and Mother aged 73 years) are staying alone at my hometown. They are regularly suffering from various ailments and it is very mu

Afterted.

AB. Singh
S. Deputy Accountant General (Adm),
S/o the Principal Accountant General (Adm),
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong.

necessary to consult physician for their frequent treatment. It may not be out of place to mention here that few years back my elder brother died in an accident and after the death of my elder brother my parents are always feeling some sort of insecurity and want me by their sides at the last days of their lives. But due to lack of proper medical facilities as well as some other local inconveniences, it has now been practically impossible for me to bring them here and to keep them in good health.

In view of the facts stated above, I therefore, request your kindself to look into my difficulties and get me transferred to the Office of the Accountant General(Audit), Assam, Meghalaya etc. Guwahati where I can get my daughter admitted into a Bengali medium school and keep my parents/family with me. This act of kindness would not only solve my physical and mental agony but also help me to save the situation.

Yours faithfully,

Dated, Kohima

The 26th April 1993

(SUBHASH-CHANDRA PAUL)
Section Officer(Audit)
Office of the Accountant General(Audit)
Nagaland, Kohima

Attested.

S. No. Deputy Accountant General (Audit)
to the Principal Accountant General (Audit)
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong &

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ANNEXURE-II

R
03 JUN 1993

AC 2541/An/12-3/ vol. II/92-93/916

dt. - 6/93

To

The Accountant General (Audit)
Nagaland, Kohima

Subj: Repatriation of S/Sri Tapan Kr.
Haldar and S.C. Paul, Se (Audit).

Bz,

With reference to your ^{dt}
letter no Adm/Audit/2-19/89-91/255 dated
5.5.93 and do no Adm/Audit/2-19/89-93/260
dt. 10.5.93, on the subject noted above,
I am to state, the requests of S/Sri Tapan
Kr. Haldar, etc, and Subhas Ch. Paul, Se (AU),
for their transfer to Guwahati, Dt. office,
have been noted and will be considered
in due course subject to administrative
convenience.

The officials may be ^{kindly} informed
accordingly.

Attested.

rsf.

AS Shillong
S. Deputy Accountant General (Adm),
to the Principal Accountant General (Adm),
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong-1.

24/6/93

24/6/93

24/6/93

24/6/93

like
rs
They

Annexure - III

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

ANNEXURE-IV

12
CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

Nos O/A 536 of 1990
C.A. 240/1990

O/A 537 of 1990
C.A. 241/1990

Present: Hon'ble Mr. A.P. Bhattacharyya, Judicial Member.
Hon'ble Mr. P.K. Mallick, Administrative Member.

SAMIR SENGUPTA

vs.
UNION OF INDIA & ORS.

ASISH KUMAR MUKHOPADHYAY
vs.
UNION OF INDIA & ORS.

For Applicants : Mr. B.P. Saha, Counsel.

For Respondents: Ms. Uma Bhattacharyya, Addl. Standing Counsel

Heard On: 26.2.1991

Judgement passed on 26.3.1991

JUDGEMENT

P.K. Mallick A.M.

0/A 536 of 1990 and O/A 537 of 1990 were filed by Samir Sengupta and Asish Kumar Mukhopadhyay respectively challenging their transfer from Calcutta to Dhanbad and Sindri, after they were transferred from Shillong to the Office of the Principal Director of Commercial Audit-II, Calcutta. Since the issues involved in both the applications are the same and the facts are virtually identical, the two matters were heard analogously and are covered by this common judgement.

Attested.
S. D. Sany, Accountant General (Adm.)
Mr. The Principal, 2nd A.A. (Adm.)
Meghalaya, Jharkhand, P. Jharkhand
Vizianagaram, (Commercial) in the Indian Audit & Accounts Department.

In O/A 536 of 1990.

the applicant had been promoted as Audit Officer (Commercial) and posted in the Office of the A.G.(A), Orissa. Due to various family problems including the illness of his wife, he had prayed for accommodation in the promotional post at Calcutta, but his representation was not entertained and he had to forego his promotion for one year from 10.11.1987. He was promoted after the expiry of this period and posted at Shillong. He joined at Shillong on 30.12.1988, after submitting a representation on 22.12.1988 that he may be brought to Calcutta in view of his continued family trouble. He submitted another representation on 3.7.1989. Ultimately an office order was passed by the Office of C.A.G., New Delhi, with the approval of D.G.(Commercial) on 27.3.1991 transferring 18 Audit Officers, including both Samir Sengupta and Ashish Kumar Mukhopadhyay, to the Office of the Principal Director of Commercial Audit-II, Calcutta.

3. It is the grievance of Samir Sengupta that instead of accommodating him at Calcutta, the Principal Director, Commercial Audit-II, Calcutta issued an office order on 6.4.1990 directing him to join at Durgapur to replace one Shri R.G. Basak, who was posted at Calcutta. Subsequently by another office order dated 9.4.1990, he was posted to Dhanbad vice J. Mitra, who was posted at Calcutta. He submitted a representation on 17.4.1990 for his retention at Calcutta but did not get any reply. He filed O/A 536 of 1990 on 17.5.1990. After the filing of the application, his representation was disposed of under instructions of this Tribunal and he ^{was} informed vide a memo dated 27.6.1990 that his case had been duly considered and that in accordance with the scheme and posting and transfer of Audit Offices (Commercial), it had not been found possible to accommodate

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4. He filed MP 120/1990 on 18.6.1990 praying for a direction on the respondents to allow him to join at Calcutta w.e.f. 11.6.1990, the date on which he had submitted his joining report in the Calcutta Office. While disposing of this miscellaneous application on 25.7.1990, this Tribunal had rejected his prayer for issuing direction on the respondents to allow him to join at Calcutta but had directed the respondents to release his salary from May to July, 1990. The order was passed without any prejudice to the rights and contentions of either side.

5. Samir Sengupta filed C.A. 220/1990 on 28.8.1990 praying for keeping the impugned order of transfer in abeyance till the disposal of O/A 536 of 1990. The Civil application was disposed of on 4.9.90 keeping the impugned order of transfer in abeyance till 10.12.1990. The respondents were further directed to release the salary of the applicant for August, 1990 and also for the subsequent months till November, 1990. The order was passed without prejudice to the rights and contentions of either side. It was stipulated that the payments so made, shall be adjusted after the applicant's period of absence during the intervening period is dealt with by the respondents, as per rules.

6. C.A. No. 240/1990 was filed by Samir Sengupta on 19.9.1990 praying for clarification of the order dated 4.9.1990 and for passing an interim order directing the respondents to treat the intervening period from 11.6.1990 to 10.12.1990 or till the final disposal of O/A 536 of 1990 as 'duty'. This civil application has been heard alongwith the main application.

7. C.A. 272/1990 was filed by Samir Sengupta on 12.11.1990 praying for issuance of direction on the respondents so that they may treat the intervening period as on duty and also to promote him to join his new place of posting and to keep one post of Audit Officer (Commercial) in the Calcutta Office vacant, till the disposal of the original application. This civil application was disposed of on 14.11.1990 permitting the applicant to join his new place of posting without prejudice to his rights and contentions to be decided in the

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original application. The other prayers were rejected.

8. The facts in O/A 537/1990 are identical except that Ashish Kumar Mukhopadhyay was transferred to Sindri. He had joined the office of A.G. (Audit) Assam etc. on 18.1.1988 and had represented for his transfer to Calcutta on 2.5.1991 due to various personal problems including wife's illness. He too was transferred to the Office of Principal Director, Commercial Audit-II, Calcutta by the same order dated 27.3.1990. His grievance is that the Principal Director Commercial Audit-II, Calcutta posted him to Sindri to replace one Tarapada Mukherjee, who was posted at Calcutta. He had filed M.P. 125/1990, C.A. 219/1990, C.A. 241/1990 and C.A. 273/1990. Same orders as in M.P. 124/1990, C.A. 220/1990 and C.A. 272/1990 were passed in M.P. 125/1990, C.A. 219/1990 and 273/1990 respectively. C.A. 241/1990 has been heard alongwith O/A 537 of 1990.

9. We have heard Mr. B.P. Saha, Counsel, for the applicants and Ms. Uma Bhattacharyya, Addl. Standing Counsel, for the respondents.

10. Mr. Saha has challenged the impugned transfer orders mainly on four grounds.

His first point is that the CAG's instructions to post the two applicants at Calcutta vide his office order dated 27.3.1990, were violated by the Principal Director, Commercial Audit-II, Calcutta though the CAG is the highest authority in the department.

11. His second point is that there are a number of officers, who have never served in any outstation audit office. Four such officers are G.D. Saha, S.K. Pal Choudhury, T.S. Chakraborty and G.L. Mukherjee. Mr. Saha has submitted that it has been stated at para 4(M)/1 that these four officers have never served outside Calcutta, since joining the Calcutta Office in 1963, 1964, 18.9.1980 and 8.7.1981 respectively. He has argued that their retention at Calcutta is discriminatory and violative of the Principles of natural justice.

12. His third contention is that there has been violation of CAG's letter dated 16.1.1980 regarding transfer and posting of Audit Officers. This letter mentioned in the memo dated

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27.6.1990 rejecting the representation of the applicants. He has drawn our attention to the following portion of the letter

16.1.1980:-

" It may happen that when an Audit Officer (Commercial) is repatriated or posted to your office/station, no Vacant post may be available at your headquarters. It is not the intention that because he is senior to some of the others who may be working at your headquarters, a vacancy should be created for him. But at the same time, even if he is posted outside by you, he should be brought at the earliest to your headquarters if he requests for it and a vacancy becomes available".

He has argued that since clear Vacancies were available, as would be evident from the fact that J. Mitra, T.P. Mukherjee and R.G. Basak were brought from outstations to the Calcutta Office, the two applicants should have been accommodated in Calcutta itself instead of posting officers from other outstations against these vacancies and that by not doing so, the respondents have violated the instructions given in their letter dated 16.1.1980.

13. His last point is that Ministry of Finance O.M. dated 14.11.1983 regarding tenure of posting in the North-Eastern Region (annexed at page 14 of O/A 537 of 1990), has been violated. He has referred to the following portion of that O.M.:-

"Tenure of posting/deputation

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Period of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure service mentioned above may be considered for posting to a station of their choice as far as possible....."

He has urged that since the applicants had given Calcutta as their

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in accordance with the same scheme subject to administrative convenience.

affected

N. L. L.
S. ~~Accountant General (Adm)~~
~~the Principal Accountant General (Adm)~~
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong-1

choice and vacancies were available, they should have been posted at Calcutta.

14. He has finally submitted that the applicants ultimately joined at Dhanbad and Sindri respectively on 19.11.1990 and that the intervening period between 11.6.1990 and 19.11.1990 be directed to be treated as on duty, as prayed for in C.A. 240/1990 and C.A. 241/1990 or as extended joining time.

15. He has cited the following judgements of this Tribunal in support of his aforesaid contentions:-

- (i) Sumerilal Vs Union of India SLJ 1990 (3) CAT - 129
- (ii) M.S. Kutty Vs Director General, Telecom - SLJ 1990 (3) CAT - 111.

16. In Sumerilal's case, the applicant had challenged his transfer from Jabalpur to Bhopal. After hearing both the parties and referring to various judgement including that of the Supreme Court in Gujarat State Electricity Board Vs Atmaram Sungomal Poshani (AIR 1989 SC - 1443), the Jabalpur Bench had dismissed the application but had directed that the intervening period, which was subject to status quo, be permitted as extended joining time.

17. In M.S. Kutty (Supra), the applicant was transferred vide an order dated 31.5.1984 and forcibly relieved from duty on 6.4.1985. The transfer order was set aside. He was not allowed to join duty till 16.8.1985. He was again transferred on 27.6.1986 and relieved on 1.7.1986. This transfer order was also set aside but he was not allowed to join till 31.12.1986. He prayed that the two periods of absence i.e. 7.4.1985 to 16.4.1985 and 1.7.1986 to 2.1.1987 be treated as on duty. The Ernakulam Bench held that as the two orders of transfer had been quashed and the two periods of absence were not due to any fault on the part of the applicant, he cannot be made to suffer due to non-compliance of the transfer orders. It directed the respondents to treat the applicant as on duty for the two periods of absence and to give him all consequential benefits such as pay, leave, seniority, etc.

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in accordance with the same scheme subject to administrative convenience.

Al. L. B.
S. D. B. Accountant General (Adm.)
C/o The Principal Accountant General (Adm.)
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong.

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However, it is obvious that the facts of this case are clearly distinguishable from those of the two instant applications.

18. Both the original applications have been opposed by Ms. Uma Bhattacharyya. As regards the first objection raised by Mr. Saha, she has drawn our attention to para 5 of the reply of the respondents in O/A 536 of 1990 in which they have referred to CAG's letter dated 16.1.1980 in which it has been clearly stipulated that only orders of posting of Audit Officers (Commercial) to various offices are issued by the Office of the CAG and further posting in the Offices under the jurisdiction of the concerned offices, is left to them. She has asserted that since the order dated 27.3.1990 issued by the Office of the C.A.G., New Delhi, had transferred both the applicants to the Office of the Principal Director of Commercial Audit-II, Calcutta, the latter was fully entitled to post them to Units under his jurisdiction, as considered necessary by him.

19. As regards the second objection of the applicants that G.D. Saha, S.K. Pal Choudhury, T.S. Chakraborty and G.L. Mukherjee have never served outside Calcutta and their retention at Calcutta by denying a Calcutta posting to the two applicants is discriminatory and violative of the principles of natural justice, Ms. Bhattacharyya has asserted that all these officers except T.S. Chakraborty have in fact served outside Calcutta. As regards T.S. Chakraborty, it has been pointed out that since he is a chronic patient of bronchial asthma, he has not been posted out.

20. She has shown us a chart indicating the present status and various postings of Audit Officers of the Office of the Principal Director, Commercial Audit-II, Calcutta. It appears that G.D. Saha had done an outstation posting from May, 1979 to June, 1980 and that he was released for deputation to CMDA w.e.f. 25.2.1991. S.K. Pal Choudhury had remained posted at Durgapur from April, 1969 to September, 1970. T.S. Chakraborty had served in DPL from July, 1971 to June, 1972 while G.L. Mukherjee had served in DVC, Chhendrapur from 1968 to 1970. She has argued that the

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in accordance with the same scheme subject to administrative convenience.

Attested.

Mr. L. L. L.
S. B. Dey, Accountant General (Adm),
Off the Principal Accountant General (Audit),
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong, 1.

allegations of discrimination and violation of the principles of natural justice are, therefore, untenable.

21. Regarding the third point raised by Mr. Saha that by accommodating J. Mitra, T.P. Mukherjee and R.G. Basak from out-stations to Calcutta the respondents had violated the instructions given in CAG's letter dated 16.1.1980, Mrs. Bhattacharyya has submitted that the records will clearly show that these officers were brought to the Calcutta Office in accordance with CAG's letter dated 16.1.1980. She has shown us the departmental file from which it appears that J. Mitra, T.P. Mukherjee and R.G. Basak had been working at outstations from July, 1987 September, 1987 and September, 1987, respectively. Ms. Bhattacharyya has submitted that since they had worked at the outstations longer than the two applicants, they had the first priority for posting at Calcutta and that the cases of the applicants for posting at Calcutta would be considered in due course, as indicated in the memo dated 27.6.1990 disposing of their representations.

22. As regards the last point regarding Ministry of Finance O.M. dated 14.11.1983 regarding tenure of posting in the North-Eastern Region, she has submitted that the said O.M. is by way of guidelines and is not mandatory. She has further pointed out the OM makes it clear that on completion of the fixed tenure of service, requests for posting to a station of choice is to be considered as far as possible and that since the cases of the applicants have been duly considered and they have been informed that their requests could be considered in due course, they can have no grievance.

23. After giving our careful consideration to the materials on records and the submissions of the two counsel, we do not find any merit in the various contentions of the two applicants. It is quite obvious from C.A.G.'s letter dated 16.1.1980 that only orders of posting of Audit Officers (Commercial) to various Offices are issued by the Office of the CAG and further posting at places under the jurisdiction of the concerned officers is left to them. Thus, after the applicants were transferred to the Office of the Principal Director of Commercial Audit, Calcutta, the latter was fully entitled to post them to Units under his jurisdiction, as per job requirements,

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in accordance with the same scheme subject to administrative convenience. *A Hested.*

Al. Link
S. Secretary, Accountant General (Adm),
Off the Principal Accountant General (Adm),
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong.

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Administrative exigencies and his own judgement. Thus, the first objection raised by the applicants has to be rejected.

24. The second objection that four employees had never served outside Calcutta and had been retained at Calcutta by denying a Calcutta posting to the applicants is also not sustainable as the facts are otherwise. All these officers had in fact served outside Calcutta. Besides, we want to make it clear that even if that was so, it would not amount to discrimination as it is now well established that the administration is the best Judge to decide which employee will work where and for how long. It may be necessary for them to retain someone at the same station in the larger interest of Govt. work or even on compassionate grounds.

25. The third objection regarding the posting of J. Mitra, T.P. Mukherjee and R.G. Basak from outstations to the Calcutta office and sending the applicants to outstations to accommodate them is also not sustainable as we find that these three officers had served at the outstations from July and September, 1987, i.e. longer than the two applicants. The action of the respondents in giving them preference for posting at Calcutta cannot be questioned. It is also to be noted that the applicants have been given an assurance that their cases for posting at Calcutta would be considered in due course.

26. The last point regarding the violation of the Ministry of Finance O.M. dated 14.11.1983 regarding tenure of posting in the North-Eastern Region is not sustainable either. The following observations of a Full Bench of this Tribunal in Kamlesh Trivedi vs. ICAR reported in 1988(7) ATC at page 253 regarding transfer policy is quite revealing and disposes of the last point raised by the applicants:-

"it would thus be seen that any transfer made in violation of transfer policy by itself would not be a ground for quashing the order of transfer for, as observed by the Supreme Court in B. Vardha Rao vs. State of Karnataka (1986 SSC (L & S) 750), instructions embodying the transfer policy are more in the nature of guidelines to the officers who are vested with the power to order transfers in the exigencies of administration than vesting any immunity from transfer in government servants or a right in the public servant. In fact, transfer

Attested

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Accts.

S. S. Bagchi, Accountant General (Admn),
and the Principal Accountant General (Andh)
Meghalaya, Arunachal Pradesh and
Sikkim, Shillong-4.

in accordance with the same scheme subject to administrative convenience.

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Policy enunciated by the Government or other authorities often allows a large amount of discretion in the officer in whom the authority to transfer is vested".

27. We also hold that the applicants have not been able to establish any malafide or arbitrariness on the part of the official respondents in issuing the impugned transfer orders. Besides, transfer is an incident of service and the applicants are admittedly holding transferable jobs.

28. As regards the question of regularisation of the period from 11.6.1990 to 10.12.1990, on the facts of the instant applications, we are not inclined to treat this period as extended joining time. We direct the respondents to treat this period as the kind of leave admissible to the two applicants, as per rules, without any break in service.

29. In view of what has been stated above, we dismiss O/A 536 and 537 of 1990 without any order as to costs. C.A.240 and 241 of 1990 are treated as disposed of on the lines indicated in the preceding paragraph.

Sd/-
Administrative Member

Sd/-
Judicial Member

A. H. Patel

A. D. K. D.

Sr. Accountant General (Adm),
Principal Accountant General (Adm),
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong-1.

in accordance with the same scheme subject to administrative convenience.

NOTICE

To,
Dr. J. L. Sarkar

Dated: 28. 4. 2006

Advocate

C. A. T.

From,

Gautam Baislyan

Sr. C. G. S. C.

C.A.T.

Sir,

Please find herewith a copy of
the written statement filed in connection
with O. A. No- 13 of 2006.

And please acknowledge the same.

Received Copy

R. Laljitha
Advocate

Thanking you

Gautam Baislyan
28.4.06 Sr. C.G.S.C

6 JUN 2006

Guwahati Bench
Guwahati Bench

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

OA NO. 13 OF 2006

**SHRI SUBHASH CHANDRA PAUL ... Applicant
Vs.
UNION OF INDIA & OTHERS ... Respondents**

A reply to the written statement of the Respondent

1. The applicant has gone through the written statement of the respondent and understood the contents thereof.
2. That in reply to the statement in Para – 2 it is stated that the order of transfer is arbitrary which has been passed ignoring laid down norms.
3. That in reply to the statements in Para – 5 the applicant begs to state that after passing Section Officers Grade Examination (SOGE) he was promoted to the post of Section officer borne in Common Cadre Controlled by the Cadre Controlling Authority (CCA), Shillong (Annexure -A) . As per norms followed, every officer of Common Cadre are liable to serve hard stations viz. Kohima or Imphal for a tenure of 18 months. On completion of 22 months, the applicant submitted representation (dated 26.4.93) to the CCA, Shillong citing reasons for transfer to Guwahati office. Meanwhile, the applicant was promoted to the post of Asstt. Audit Officer on 29.7.94 (Annexure -B) . Thus, altogether the applicant had served for eight years (approx.) in Kohima in the capacity of Section Officer / Asstt. Audit Officer. As per

appointment / promotion order for SO/AAO, the applicant has transfer liability in N.E. Region. But the respondent (CCA, Shillong) vide impugned transfer order transferred the applicant to Kohima again by pick and choose policy leaving Officers Seniors / Juniors to him in Common gradation list untouched who had never served hard station viz. Kohima / Imphal. Thus, the respondent's contention that the posting has no relevance to applicant's transfer order is not tenable.

4. That in reply to statement in Para – 6 it is stated that the contention of the respondent is not correct. The bifurcation of combined Audit and Accounts office took place in March 1984. Prior to that the posting of common cadre officers (SOs/AAOs/AOs/Sr.AOs) was regulated on 18 months tenure basis to the hard stations at Kohima and Imphal as per agreement made on 10.4.74 between the Association and the Cadre Controlling Authority. After bifurcation, no transfer policy was formed either for Audit or Accounts Office till February 2000. The process of transfer / posting has been done as per the said agreement dated 10.4.74 in both stream. However, only on 22.3.2000, the Cadre Controlling Authority of Accounts offices has adopted a policy for transfer/ posting of their common cadre officers in the same spirit of the agreement dated 10.04.74, but Cadre Controlling Authority of audit offices in N.E. Region continued to follow the norms of the said agreement (10.4.74) and still continuing on 18 months tenure basis. Thus, there found no substantial difference between the policy adopted by Accounts offices and that of the Audit offices.

Para -5. That in reply to statement in para - 7 it is stated that there were 13 common cadre officers (SOs/AAOs) (Annexure -C) stationed at Kohima office who had rendered their services ranging 1 to 13 years (upto 1999). Despite their repeated representation to transfer out them from Kohima, the CCA did not pay heed to their grievances. However, this issue was placed before the Hon'ble C&AG of India during his visit to Kohima in November, 1999. The matter was heard by the Hon'ble C&AG and expressed his views that the CCA at Shillong should maintain a roster of those officers serving in the hard station Kohima (Nagaland) and transfer the willing SOs/AAOs at least two of them to their office of choice every year. The CCA had acted upon in right perspective and transferred 16 nos of AAOs/AOs/Sr. AOs (Annexure - D) from Nagaland offices and substituted by common cadre officers from other offices viz. Guwahati, Shillong and Agartala etc. (Annexure - E) till October 2005.

These substitute officers were also transferred back by placing next Junior officers of the common cadre. Now in November, 2005 the applicant was suddenly picked and choose to transfer back to Kohima office on the plea of "Nagaland based officer" leaving his seniors/ juniors AAO's in common cadre list untouched. The applicant beg to state that the C.C.A. had broken his own set norms/system at the instance of a resolution No. CAA/GB/30 dt. 13.9.2005 (copy enclosed) (Annexure F) signed by General Secretary of the staff Association of Guwahati office (which proved detrimental to the interest of the large section of staff members) and the same was for-warded by the

respondent no. 3 to the CCA Shillong vide letter dt. 22.9.2005. Thus the contention of the respondent expressed in para 7 is not based on fact but malafide. Further, the respondent has stated that exercising of option has nothing to do with the present case is not correct.

The applicant with due submission like to point out that the cadre controlling Authority at Shillong issued a Circular vide No – Estt-1/Audit/1-51/2005-06/ 22 dated 20.4.2006 asking option from 'Group-B' officers of common cadre (Sr. AO~~s~~/AO~~s~~/AAO~~s~~/SO~~s~~/SrAO~~s~~) in connection with separation of common cadre in NE Region offices, which will take effect from 1.6.2006. Accordingly the applicant had exercised his option for Guwahati office and the same was accepted by the Cadre Controlling Authority at Shillong. Copy of circular and option paper enclosed as (Annexure-G)

As such, exercising option has much relevance as the applicant is quite Senior in AAOs Cadre in the combined gradation list for common cadre officers.

6. That in reply to statement in para – 8 it is stated that the contention of the respondent is not correct. As per norms, Nagaland office was manned by SOs/AAOs/AOs/SrAOs of Common cadre on rotational basis for a tenure of 18 months from Junior/senior common cadre officers who has never served in hard places viz. Kohima/ Imphal. A list of officers who has already served at Kohima on rotational basis is annexed which would well supplement the norms being followed by respondents. The list enclosed is illustrative and not exhaustive (Annexure – H).

Para-7. That in reply to statement in para - 9 the applicant begs to state that his representation dt. 9.12.2005 had sought clarification from the respondent No. 2 in regard to the basis of transfer of the applicant leaving his seniors / Juniors untouched in the common cadre list who have never served in any hard station like Kohima or Imphal and also the tenure of posting in Kohima. The applicant has already served eight years (approx.) at Kohima in the capacity of SO/AAO. The respondent remained silent on the same rather ordered for his release immediately. As such, it may be construed that applicant's request was summarily rejected by the CCA without application of mind.

Para-8. That in reply to statement in para - 10 it is stated that the contention of the respondent is not correct. The applicant begs to state that "Accounts" and "Audit" are the two streams under the administrative control of IA & AD headed by the Hon'ble C & AG of India. Moreover, the norms of promotion /transfer/ posting of common cadre officers of both "Accounts" and "Audit" stream in NE Region is same.

Para-9. That in reply to statement in para - 11 it is stated that as per set norms adopted by the CCA, all constituents of common cadre officers (SOs/AAOs/AOs/ Sr. AOs) are to serve the hard posting place of Kohima or Imphal once for a tenure of 18 months and be transferred after completion of the tenure. The applicant submitted a list of officers posted to Kohima office on 18 months tenure to depict the norms followed by the CCA and then another list to show the officers of common cadre who has never served the hard posting places. The respondent's contention that the respondents are not bound to transfer

"Nagaland based officers " from Nagaland after a period of 18/24 months is not correct and viable. A list of so called "Nagaland based officer" who were posted to Kohima / Imphal office and transferred back to Guwahati / Shillong office after completion of fixed tenure of 18 months is annexed (Annexure - I)

It is evident from the list that the tenure of 18 months applicable to all officers of the common cadre irrespective of base offices and the concept of "Nagaland based officers" is vague, unrealistic and bias.

Para 10. That in reply to statement in para – 12 it is stated that the respondent contended that the decision of the Hon'ble C.A.T. Guwahati in the case of Shri Tridip Ranjan Dey, in OA No. 86 of 1996, who is a member of the Accounts Stream has no bearing in this case. In this context, the applicant humbly submit that "Accounts" and "Audit" are the two streams under the administrative control of IA & AD headed by the Hon'ble C & AG of India. Moreover, the norms of promotion /transfer/ posting of common cadre officers of both "Accounts" and "Audit" stream in NE Region is same.

Further more, the applicant also like to cite the decision of the Hon'ble CAT Guwahti at para 3 of the aforesaid OA which read as below:-

" The contention of base office raised by the respondent in respect of posting and transfer of AAOs is unfounded. No other transfer policy has been shown by the respondent apart from the above. Further, the appointment letter of the applicant also does not show that AAOs are

compulsorily liable to be transferred to their base office, on the other hand, they have all North Eastern Region transfer liability."

"It is a result of misconception of the aforesaid "Base office" transfer policy which is not applicable to the transfer and posting of AAOs" (Para 4 of OA 86 of 1996).

Since the case of Shri Tridip Ranjan Dey, AAO of Accounts stream and of Shri S.C. Paul, AAO(applicant) of Audit stream are alien, the above decision of the Hon'ble CAT, Guwahati has very much relevance to the case of the applicant and thus has statutory binding on the respondents of the audit stream also.

Further, the applicant begs to cite an example of class- 1 officers (IA & AS cadre) serving in IA & AD. In respect of the Class-1 officers, their initial appointment as Asstt. Accountant General to any offices are done by the C & AG of India who bears the All India transfer liabilities and serves Audit or Accounts offices on a tenure basis. The C & AG's office maintains a Common gradation list for the purpose of promotion to higher post / grade. Full administrative Control over transfer / posting / deputation / ACRs etc. in respect of class -1 officers lies with the C & AG's office at Delhi. It is evidently, the C& AG's office at Delhi is regarded as their base office because of the full administrative control lies with C &AG of India and Kolkata/ Delhi /Mumbai / Shillong / Kohima etc. offices be regarded as their field offices. Similarly, in N.E. Region Shillong is the fictionally the base office of SO, AAO, etc.

11. That in reply to statement in para – 13 the applicant begs to state that the acute domestic problem cropped up due to impugned transfer order was put forth before the respondent for

consideration. But the same has not given any cognizance by not admitting or denying by the respondent. This shows bias of the respondents.

12. That in reply to statement in para - 14 the applicant humbly states that the respondent had no set transfer policy in respect of transfer posting of common cadre officers since 1971 while independent combined Audit and Accounts office created in N.E. Region and also after the bifurcation of Audit and Accounts (A & E) office in March 1984 except an agreement dt. 10.4.74 made between staff Association and CCA at Shillong. The respondent should be put to strict proof by submitting any set transfer posting policy approved by the appropriate higher authority of the Department.
13. That in reply to statement in para - 15 the applicant begs to state that the concept of "Base office(s) is unfounded (Ref- Para 10 above). The applicant also begs to state that the respondent has picked and choose the applicant leaving his junior /Seniors common cadre officers who have never served in Kohima or Imphal office as required under norms set by the CCA, Shillong.
14. That in reply to statement in para - 16 the applicant begs to state that as per existing norms each and every officers of common cadre are liable to be transferred to any Audit offices located in N.E. Region. Further, transfer/posting to two stations viz. Kohima and Imphal will be made on 18 months tenure on rotational basis from the offices of common cadre. In the instant case, the respondent has picked and choose the applicant leaving other seniors / Juniors common cadre officers

untouched who have never been served in Kohima or Imphal office. Thus, the respondent has violated the existing norms. This is arbitrary.

The applicant begs to state that scope of interference is limited in as much as the courts should not interfere in judgment exercised by the Administrative authorities unless the impugned transfer order has been passed in violation of the statutory rule / instruction or having been passed by an authority which was not competent to pass such an order or it has been passed by an authority which was not competent to pass such an order or it has been passed an order or it has been passed on extraneous or collateral grounds or suffer from the vice of maladies on the part of the authority who has passed or approved the order. It is the well settled law that the transfer of a public servant made on administrative ground 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 the grounds of malafides.

In the present case, the fairness of administrative justice was not observed and as stated above the respondent's own set of rules were violated.

15. That in reply to statement para - 17 it is stated that the respondents have passed the transfer order arbitrarily without following norms laid down by them.
16. That in reply to statement in para - 18 the applicant begs to state that as per existing norms each and every officers of common cadre are liable to be transferred to any Audit offices located in N.E. Region. Further, transfer/posting to two stations

viz. Kohima and Imphal will be made on 18 months tenure on rotational basis from the offices of common cadre. In the instant case, the respondent has picked and choose the applicant leaving other seniors / Juniors common cadre officers untouched who have never been served in Kohima or Imphal office.

In the present case, the fairness of administrative justice was not observed and as stated above the respondent's own set of rules were violated.

17. That in reply to statement in para - 19 it is stated that the contention of the respondent that the applicant has filed the application only to delay his transfer without any bonafide reasons is not correct on the following grounds :-

The impugned order was issued by the respondent

- (i) in violation of the principle of natural justice.
- (ii) The respondent has acted arbitrarily without considering the services rendered by the applicant for longest period in hard station at Kohima.
- (iii) The respondent has violated their own prevailing system and neglected the existing rules and guidelines of rotational transfer of common cadre officers which was formulated by the respondents themselves.
- (iv) The transfer would affect the education of school/ college going children and advertently effect the health and life of applicant's widowed 85 years old mother.

Thus, the impugned transfer order was unreasonable and without application of mind.

18

That in reply to the statement made in para 20, 21 and 22 it is stated that the order of transfer is not in public interest and deserves to be set aside.

The applicant further begs to state it is understood that in reply to O.A. No. 115 of 2006 between Shri Siraj Uddin Ahmed & Others and the Union of India and Others the Accounts office has stated that **once a person is promoted to the Post of S.O. and become Part of common cadre of Gr.B officers in the A & E office of N.E. Region, the office to which he belongs prior to such promotion is not relevant.** (Annexure-IV)

That under the facts and circumstances mentioned above, the applicant most humbly and fervently prays that your Lordship may be pleased to look into the matter sympathetically and be also pleased to set aside and quash the impugned transfer order and for this act of your kindness, thus humble applicant shall remain grateful and be highly obliged.

VERIFICATION

I Shri Subhash Chandra Paul, son of late Sudhir Chandra Paul, aged about 56 years, verify that this statements in para 1 to 22 are true to my knowledge.

Subhash Ch. Paul.
Signature

Date : 26-05-2006

Place : Guwahati

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

E.G. No. Estt.I/Audit/113.

Dated :- 8-7-91

The following Senior Auditors are promoted to office of S.O. (Audit), until further orders in the scale of pay of Rs. 15700-60-2600-EB-75-2900/- p.m. with effect from the date(s) of their taking-over charge in the Office(s) shown against their names:-

Sl.No.	Name	Office in which working at present	Office to be posted as S.O. (Audit)
S/ Shri			
1.	Subhash Chandra Paul	O/o the Pr.A.G. (Audit) O/o the A.G. (Audit) Nagaland, Kohima	Nagaland, Kohima
2.	Mridul Kanti Hore	-do-	-do-
3.	Diptendu Chakraborty	-do-	-do-
4.	Bhaben Ch. Kalita	O/o the Pr.A.G. (Audit), O/o the Pr.A.G. (Audit) Assam etc., Guwahati	Assam etc., Guwahati
5.	Joy Prakash Kumar	-do-	-do-

They are liable to be transferred to the Offices in the State of Assam, Meghalaya etc., Shillong; Accountant General (Audit) Manipur, Imphal; Tripura, Agartala; Nagaland, Kohima and also to the Zonal Offices of these offices already in existence or to be formed in future and anywhere within the States of Assam, Meghalaya, Nagaland, Manipur, Tripura, Arunachal Pradesh and Mizoram.

On their promotion as S.O (Audit), they are placed on probation for a period of two years with effect from the date(s) of their taking over charge in the respective offices. They are also required to exercise option, if any, within one month in terms of FR-22-1(a) (i).

SD/-
DY. ACCOUNTANT GENERAL (ADMN).

Memo No. Estt.I/Audit/10-43/90-91/1850. dated :-
Copy forwarded to the Comptroller & Auditor General of India,
Post Box No-7, Indraprastha Head Post Office, New Delhi-110002.

SD/-
DY. ACCOUNTANT GENERAL (ADMN).

Memo No. Estt.I/Audit/10-43/90-91/1851-67 dated :-
Copy forwarded to :-

1. The Pr. Director of Audit, N.F. Railway, Maligaon, Guwahati-11.
2. The A.G. (Audit), Nagaland, Kohima. The date of taking over charge as S.O. (Audit), by S/ Shri Subhash Chandra Paul, Mridul Kanti Hore and Diptendu Chakraborty may please be intimated to this office telegraphically.

ENCL:-THREE

2. The Dy.A.G. (A_G), O/o the Pr. Accountant General (Audit), Assam etc., Bhangaguri, Guwahati-5. The date of joining of Shri Bhaben Ch. Kalita and Shri Joy Prakash Kumar may please be intimated to this office.

ENCL:FOUR

The Secretary to the Pr.A.G. (Audit).

The Audit Officer (Claims).

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT),
ASSAM, MEGHALAYA ETC., SHILLONG.

Office Order No. Estt.I/143

Dated :- 20.07.94

The following Section Officers (Audit) are promoted to officiate as Assistant Audit Officers until further orders in the scale of pay of ₹.2000-60-2300-EB-75-3200/- P.m. with effect from the date(s) of their taking over charge in the respective Offices shown against their names:

S/Shri

Office/Place of Posting

1. Subhas Chandra Paul	O/o the A.G(Audit), Nagaland, Kohima.
2. Mrinal Kanti Hore	-do-
3. Diptendu Chakraborty	-do-
4. Bhaben Chandra Kalita	O/o the A.G(Audit), Assam etc., Guwahati.
5. Joy Prakash Kumar	-do-

They are liable to be transferred to the Offices of the Accountant General (Audit), Assam, Meghalaya, Mizoram and Arunachal Pradesh, Shillong, Tripura, Agartala; Manipur, Imphal and Nagaland, Kohima and also to the Branch/Zonal Offices already in existence or to be formed in future anywhere within the States of Assam, Meghalaya, Mizoram, Arunachal Pradesh, Manipur, Nagaland, and Tripura.

On their promotion, they are requested to exercise option, if any, within one month in terms of provisions under F.R. 22 I (a)(i).

Authority :- A.G(Audit)'s Orders dated 15.07.94 at P/53^N of File No. DAG(A)/Con-C/AAO/1-4.

SD/ Deputy Accountant General (Admn).

Memo No. Estt.I/Audit/1-3/93-94/2613 Dated :-

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

Deputy Accountant General (Admn).

Memo No. Estt.I/Audit/1-3/93-94/2614-2632 Dated :-
Copy forwarded for information and necessary action to :-

1. The Principal Director of Audit, N.F.Railway, Maligaon, Guwahati - 11.
2. P.A.O. (Local).
3. To the Accountant General (Audit), Nagaland with the request to hand over personal copy of the order to S/Shri
 - (i) Subhash Chandra Paul, Section Officer
 - (ii) Mrinal Kanti Hore, Section Officer
 - (iii) Diptendu Chakraborty, Section Officer.

The date of their taking over charge as Asstt. Audit Officer on promotion may kindly be intimated to this Office.

Contd ... 2/-

Common cadre officers posted at Nagaland (Ref. Para 5)

S/ Shri

1. Ranjit Paul, AAO
2. Kiran Sashi Das, AAO
3. Dhiren Ch. Paul, AAO
4. Alok Acharjee, AAO
5. Swapan Dey, AAO
6. Bijoy Bhusan Dey, AAO
7. Diptendu Chakraborty, AAO
8. Atul Ch. Dutta, AAO
9. Sumit Kr. Paul, AAO
10. Mridul Kanti Hore, AAO
11. K. M. Kabui
12. P. Seal - SO.
13. R. C. Begum AAO.

AAOs/Sos/Aos/Sr.Aos transferred out from Nagaland

(Refer para 57)

S/Sri

1. Sadhan Sarkar	Sr.AO
2. B.Doley	Sr.AO
3. B. Basumatary	Sr.AO
4. P.C.Das	Sr.AO
5. Subhash Ch.Chakraborty	AO
6. Gopen Ch.Sarkar	AO
7. D.Mitra	AO
8. A.K.Saha	AO
9. T.K. Haldar	Sr.AO
10. Ranjit Kr.Paul	AAO
11. K.S.Das	AAO
12. D.C.Paul	AAO
13. A.Acharjee	AAO
14. S.K.Dey	AAO
15. B.B.Deb	AAO
16. M.K.Hore	AAO

Statement showing the common cadre officer's transfer and posting in hard places and their reparation.

Sl.No.	Name of the Officers transferred	Vice	Name of the Officers reparation	Order No & Date
1	S/Shri U.Rahaman SO/Au/Assam		S/Shri Swapani Kr. Dey AAO/Au/Nagaland	Esstt-1/Audit/47 dated 23/ /2000
2	Saradindu Paul SO/Au/Assam		Ranjit Kr.Paul AAO/Au/Nagaland	Do
3	Jayanta Ghosh SO/Au/Assam		Ranaaadhir Singha AAO/Au/Nagaland	Esstt-1/Audit/39 dated 26/06/2001
4	T.Gopal Singh SO/Au/Meghalaya		Kiranshasi Das AAO/Au/Nagaland	Do
5	Jayanta Baran Roy SO/Au/Agartala		Manidra Chakraborty AAO/Au/Shillong	Esstt-1/Audit/128 dated 5/11/2001
6	Saradindu Paul AAO/Au/Nagaland		Binoy Kr Das SO/Au/Assam	Esstt-1/Audit/206 dated 4.3.2002
7	A.Bijoy Singh SO/Au/Manipur		Shyamal Kn.Kar AAO/Au/Assam	Esstt-1/Audit/60 dated 26.6.2002
8	Kamalakhya Das SO/Au/Meghalaya		Alok Acharjee AAO/Au/Nagaland	do
9	Om Prakash Upadhyay SO/Au/Manipur		Babul Ch. Das SO/Au/Assam	Esstt-1/Audit/39 dated 26.5.2003
10	Sudipta Das Gupta SO/Au/Nagaland		Jishu Bhattacharjee SO/Au/Assam	do
11	Samiran Chakraborty SO/Au/Nagaland		Subhash Kumar SO/Au/Assam	Esstt-1/Audit/80 dated 13.8.2003
12	P.C.Barmah AAO/Au/Nagaland		Sreekant Lal SO/Au/Assam	Do
13	B.K.Chanda AAO/Au/Nagaland		Nani Gopal Paul SO/Au/Assam	Do
14	Biswadeep Chakraborty SO/Au/Assam		Jayanta Ghosh SO/Au/Nagaland	Esstt-1/Audit/162 dated 31.12.2002 (continued)
15	Swapan Bose SO/Au/Assam		U.Rahaman AAO/Au/Assam	Esstt-1/Audit/41 dated 9.5.2002
16	Subrata Mazumdar SO/Au/Assam		Jayanta Ghosh SO/Au/Nagaland	Esstt-1/Audit/190 dated 22.01.2003
17	L.Birendra Singh SO/Au/Manipur		Sarit Kr Choudhury SO/Au/Manipur	Esstt-1/Audit/47 dated 23.01.2000
18	Phasidhar Haloi SO/Au/Assam		Binoy Kr Das SO/Au/Nagaland	Esstt-1/Audit/172 dated 8.01.2004
19	Nirmal Deori SO/Au/Assam		Manasij Chakma SO/Au/Nagaland	Do
20	Dilip Kr. Dhar SO/Au/Assam		Swapan Kr. Bose SO/Au/Nagaland	Do
21	T.Rozi Kr. Singh SO/Au/Manipur		Rupen Kr. Kakoti SO/Au/Manipur	Do

22	Pranjit Saikia SO/Au/Assam		Kamalakhya Das SO/Au/Nagaland	Do
23	Suresh Babu SO/Au/Nagaland		Nani Gopal Paul SO/Au/Nagaland	Esstt-1/Audit/115 dated 29.11.2005
24	H. Ajeto Wasta SO/Au/Nagaland		Subhash Kumar SO/Au/Nagaland	Do
25	B. Aeir SO/Au/Nagaland		Nirmal Deori SO/Au/Nagaland	Do
26	K. Angami SO/Au/Nagaland		Pranjit Saikia SO/Au/Nagaland	Do
27	Samaresh Rn. Das AO/Au/Assam		Kutub Uddin Borbhuyan AO/Au/Assam	Esstt-1/Audit/38 dated 6.5.2002
28	Dhiman Mitra AO/Au/Assam		Subhash Chakraborty AO/Au/Nagaland	Do

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

101

No. CAA/GB/30

Dated:-13-09-2005

To

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

Sub : Transfer and posting of AAOs/SOs belonging to the O/o. the
Pr. Accountant General (Audit) Assam, Guwahati.

Sir,

I am directed to bring to your kind notice the matter relating to transfer and posting policy being pursued by the Principal Accountant General (Audit) Meghalaya, etc. Shillong being the cadre Controlling Authority of the common cadre of Section Officers, Asstt. Audit Officers, Audit Officers and Senior Audit Officer of different offices of the Accountant General in the N.E Region. As you are aware, Guwahati based AAOs/SOs were subjected to this age old problem of transfer to deficit offices like Nagaland, Manipur since a long time. Up to a certain period of time posting in those deficit offices used to be done from the newly SOGE passed personnel.

A time came, when newly passed candidates were not sufficient to man the entire vacancies arising in those offices and the existing SOs/AAOs, borne in this office, were required to be forcefully transferred to man those offices as the liability of transfer multiplied due to unilateral transfer of /AAOs/SOs of those deficit offices, to Guwahati office, on their own request.

Almost the entire additional burden of manning the vacancies arising out of such unilateral transfer from those deficit offices as well as maintaining the cyclic chain of repatriation of previous transfers, on completion of their tenure of 18 months, required to be borne by cadre from Guwahati office.

It may not be out of context to mention that those deficit offices would have been self-sufficient in with regard to the requirement of Section Officer and Asstt. Audit Officer to run their respective offices independently with their own cadre but for the administrative decisions to transfer SOs /AAOs of those deficit offices, unilaterally and permanently mainly to Guwahati office and the full brunt of the consequences of such

CIVIL AUDIT ASSOCIATION, AAO'S / SO'S (CIVIL)

(Recognised as per C.C.S (RSA) Rules, 1993)

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), ASSAM BELTOLA, GUWAHATI - 781 029.

decisions had to be suffered by the borne cadre of Guwahati office. The resultant vacuum created in the deficit offices were filled in by the borne cadre of Guwahati office and the cyclic chain of transfer and repatriation assumed greater proportion.

The problem was compounded to such an extent that the repatriation from deficit offices, mainly from Nagaland office of the borne cadre of Guwahati office, delayed by many months from the mandatory period of 18 months adding to the sufferings of the transferees.

Apart from the financial burden of maintaining two establishments, these transfer involved, dislocation of families, failure to look after ailing and infirm parents, failure in the parental responsibility of looking after and upbringing of children and host of other problems.

The Headquarter office has decided to separate the existing common cadre for group- B post of the department located in N.E Region. In response to the circular issued to that effect, options were exercise by the staff of this office in November 2003 and again in July 2004..Although a very long period has since been elapsed this Association is yet to know the status of cadre separation.

In the circumstances stated above I have no other alternative but to request you kindly to take up the matter with appropriate authority on the following two issues which are paramount in the minds of our members

1. Immediate repatriation of AAOs/SOs of Guwahati office who have already completed their mandatory tenure of 18 months from Nagaland and Manipur office to their base office at Guwahati.
2. To ensure that no transfer of any staff borne in this office is takes place in order to repatriate those who completed their tenure of 18 months on transfer out side their base office at Guwahati.

Yours faithfully,

Sd/-

General Secretary

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. Subhash Chandra Paul..... working in the Office of the Principal Accountant General (Audit), Assam, Guwahati..... as Asstt. Audit Officer (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 Principal Accountant General (Audit), Assam, Guwahati
2. Office of the / / / and so on.

Signature... Subhash Ch. Paul

Name... (SUBHASH CHANDRA PAUL)

Designation... Asstt. Audit Officer,
O/o the Pr. A. G. (Audit), Assam, Guwahati
Employee No.

Date : 25-04-2006

Station: Guwahati

25/04/06

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/1-51/2005-06/226

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. Estt-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.

Shillong, 20/4/06
 Deputy Accountant General (A&W)

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

Copy forwarded for information and necessary action to :-

Dated: 20.4.06

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.

W. Mohanty
 Sr. Audit Officer (Admin.)

A.G/A&E/2006/02
Dated 17/4/06

File No. 2006/02/151

Date 17-4-06

(P2) (P3)

To

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

Q
274

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. A.G/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, A.O/AAO and S.O. will be treated from separate cadres and ratio of 60:20 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 St. No. 1 of the option form he will be considered for permanent allocation to the office mentioned at St. No. 2 and so on. If however he cannot be accommodated to any of the above offices for his seniority he will be posted on deputation to the deficit office(s) till he is finally allocated to any of the offices 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 cadre shall be made strictly on the basis of their seniority-cum-option exercised by them irrespective of their base office.

Yours faithfully,

(R. Anubalavanan)
Asst. Comptroller &
Auditor General (N)

13/4/06
dated 13-04-2006

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

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. Anubalavanan)
Asst. Comptroller &
Auditor General (N)

**OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM,
MAIDAMGAON, BELTOLA, 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 the option and submit to Estt. I 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 concern officers:-

Enclo:

1. Letter No. Estt.I/Audit/12-31/2005-06/05-03 dated 27.03.2006 of Pr. Accountant General (Audit), Meghalaya, etc., Shillong.
2. C&AG's letter No. 144-NGE(APP)/17-2004 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 Officers 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)

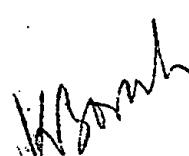
Memo No. Estt.I/Audit/1-51/2005-06/4161-67

Dated: 31.03.2006

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. OOs 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.


Sr. Audit Officer (Admn.)

**OFFICE OF THE PR.ACOUNTANT 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, Maidaingaon,
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 24th 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 20th April 2006 for further necessary action.

Yours faithfully,

Enclo: As above.

Sd/-

Sr. Deputy Accountant General(Admn.)

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

No: 144-NCE(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 allocated 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,

Enclo: As above.

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.
- 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.

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

ANNEXURE - H

Staff transferred from Guwahati/ Shillong/ Tripura etc. to Kohima
Office and transferred back to original station.

Sl. No.	Name of Officer(s) S/Chri.	Office from where transferred.	Date of issue of transfer order.	Office where posted.	Date of posting back.	Where posted back.	Month of retention.	Vice
1.	U. Rahman, S.O.	Guwahati.	23.6.2000	Kohima.	9.6.02.	Guwahati.	22+	
2.	Saradindu Paul, S.O.	"	"	"	4.6.02	do	20	
3.	Sumiran Chakraborty, S.O.	"	4.1.03	"	14.3.03.	do	20	
4.	Mananjit Chakma, S.O.	Agartala.	5.11.01.	"	8.6.04	Agartala	20	
5.	Sudipta Das Gupta, S.O.	Guwahati.	do	"	21.3.03	Guwahati	18+	
6.	Swapan Bora, S.O.	do	9.5.02	"	8.6.04	do	20+	
7.	Kamalakhy Das, SD.	Shillong.	26.6.02	"	"	Shillong.	18+	
8.	Sebebarta Masundwe, SD.	Guwahati.	22.1.03	"	8.9.04	Guwahati.	21	
9.	Jishu Bhattacharjee.	do	26.5.03	"	8.1.05	do	20	
10.	Subhash Kumar, S.O.	do	13.8.03	"	29.1.05	do	28	
11.	Sreekant Lal	do	"	"	"	do	28	
12.	N.G. Paul, S.O.	do	"	"	"	do	28	
13.	Rhabudher Haloi	do	8.1.04	"	"	do	23	
14.	Nimal Deori, S.O.	do	8.1.04	"	"	do	23	
15.	Dilip Dhar, SD.	do	do	do	do	do	23	
16.	Vitesh Das,	do	do	do	do	do	23	
17.	Pranjit Sikia,	do	do	do	do	do	23	
18.	Subrata Sutradhar	do	do	do	do	do	23	
19.	Padma Kr. Das.	do	do	do	do	do	23	

So called "Nagaland Based" officer posted outside Nagaland

S/ Shri

1. Tapan Roy, AAO
2. Biplab Dhar, AAO
3. Bikash Roy, AAO
4. Bimal Kr. Bhowmick, AAO
5. Tapan Haldhar, AAO
6. Sahadev Ghosh, AAO
7. Kutubdin Borbhuian, AAO
8. Dwijesh Ranjan Saha, AAO
9. Bipul Ch. Nath, AAO
10. Gopen Sarkar, AAO
11. Subhash Ch. Chakraborty, AAO
12. Amalendu Chakraborty, AAO
13. Subrata Dey, AAO
14. Dharanidhar Kakoti, AAO
15. Debasish Chakraborty, AAO

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

O.A. No.115 of 2006

Between Shri SirazUddin Ahmed & others

Applicants

VS

The Union of India & others
Respondents

The written statements on behalf of the
Group 'B' officers, abovenamed Respondents, to the effect
that they are to be made available to the Group 'C' officers
on the basis of seniority by the Group 'B' officers, is not correct.

**THE WRITTEN STATEMENTS ON BEHALF OF THE ABOVENAMED
RESPONDENTS.**

MOST RESPECTFULLY SHEWETH :

That with regards to the statements made in paragraphs -1 to 5 in the instant application, the answering respondents have no comments to offer.

That with regards to the statements made in paragraph -6.1 of the instant application, the answering Respondents beg to state that on appointment to the Cadre of C/T /Auditor up to promotion of Sr. Accountant, these officials fall under Group 'C' Cadre which have been separated on different dates in different Accountant General offices of the North East Region and finally separation has taken place between O/o the A.G.(A&E) Assam & O/o the A.O. (A&E) Meghalaya, Arunachal Pradesh, Mizoram w.e.f 1.12.2005 on the basis of seniority -cum- option. Hence upto cadre of Sr. Accountants the respondent has no comments.

From the post of Section Officers to the post of Assistant Accounts Officers, Accounts Officers, Senior Accounts Officers Gr.'B' Cadre is combined for all Accountants General offices in the N.E. Region for which Accountant General (A&E) Assam, Guwahati is the Cadre controlling authority.

The Section Officer's Grade Examination passed officials of different A&E 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 SO is made with a condition that the person concerned is liable to be transferred to any of the A&E offices of N.E. 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 a person is promoted to the post of SO and become part of common cadre of Group "B" officers in the A&E offices of N.E. Region, the office to which he belonged prior to such promotion is not relevant. All the Group 'B' officers belonging to common cadre have been given equal opportunity to opt for permanent allocation to any of the NE offices in N.E. Region for the purpose of separation of common cadre so that these offices have their own separate cadre 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 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 N.E. Region prior to their promotion as S.O.

In the instant case all the six applicants accepted the promotion to the post of Assistant Accounts Officers.

The copies of the promotion orders of all the six officers are annexed herewith and marked as ANNEXURE-A & B.

3. That with regards to the statements made in paragraph -6.2 of the instant application, the answering Respondents beg to state that since the Gr.'B' cadre is a combined cadre, the condition in the promotion order regarding liability to be transferred to any of the A.G. offices of N.E. Region was laid down and all the applicants have accepted the promotion with this conditions. Hence, it is not an unknown phenomenon.

The bifurcation of the Gr.'C' Cadre was done on different dates in different offices on the basis of seniority and options and finally it was done between O/o the A.G.(A&E) Assam & O/o the A.G.(A&E) Meghalaya, Mizoram, Arunachal Pradesh etc.

1/5

In the present process also if some one is not allocated to the office of his preference he is to be transferred to the deficit offices as per his preferences etc. on temporary basis with deputation allowances till he is accommodated to the office of his choice as per policy.

This present bifurcation process is also a long pending demand of the Gr.B association. It is stated by the applicant that the option is mandatory but the fact is that the option is not mandatory. The administration has called for the option to post the concerned officers to the offices of their preference as far as possible and administratively convenient. In case somebody does not exercise his option, he is likely to be posted in any of the deficit office.

4. That with regards to the statements made in paragraph -6.3.1 of the instant application, the answering Respondents beg to state that the transfer of the Gr.B staff from one AO office to another is done by the Cadre controlling authority on the basis of the requirement in the respective offices. For such transfer no deputation allowance is admissible at present because this transfer liability is an established condition laid down in the promotion order which is duly accepted by the officers who have been promoted as S.O.'s onwards.

5. That with regards to the statements made in paragraph -6.3.2 of the instant application, the answering Respondents beg to state that the points raised by the petitioners do not have any merit. The posting and transfer of Gr.B officers in the different offices of N.E. Region is done in accordance with the policy applicable at present. The Gradation List of common cadres of SO/AAO/AO/Sr. AO is maintained by the A.G. (A&E) Assam, Guwahati being the cadre controlling authority. However, separate 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. Accountants etc. has no relevance in the Gradation List after coming to the Common Cadre so far transfers of group B officers are concerned.

A copy of the gradation list is annexed herewith and marked as ANNEXURE-C.

6. That with regards to the statements made in paragraph -6.3.3 of the instant application, the answering Respondents beg to state that the question of problems as mentioned by the petitioners does not arise as the entry into the cadre after taking promotion to the post of Section Officer is done as per their own will and after acceptance of the conditions of the transfer liabilities to any of the offices of the N.E. Region. As regards seniority to the Gr.C cadre the respondent beg to state that it is done as per the existing rules and regulation of the cadre.

7. That with regards to the statements made in paragraph -6.3.4 of the instant application, the answering Respondents beg to state that the appointment / promotion to the post of Accountant relates to Gr.C Cadre and not to the present separation of common Group 'B' combined cadre . Hence, the respondents have no comment to offer.

8. That with regards to the statements made in paragraph -6.3.5 of the instant application, the answering Respondents beg to state that the transfers of the Gr.B officials are done on the basis of the condition laid down in the promotion order as stated above in para 6.3.3 .

9. That with regards to the statements made in paragraph -6.3.6 of the instant application, the answering Respondents beg to state that the action was taken as per Hon'ble CAG's order . Hence, respondents have no comments to offer.

10. That with regards to the statements made in paragraph -6.3.7 of the instant application, the answering Respondents beg to state that since the facts are not related to the present policy of separation of Group 'B' Cadre, the respondent have no comments.

11. That with regards to the statements made in paragraph -6.3.8 of the instant application, the answering Respondents beg to state that since it is not related to the policy & principle of the O/o the Comptroller & Auditor General of India applicable in the A.G. offices in the North East, the respondents have no comments to offer.

12. That with regards to the statements made in paragraph -6.4 of the instant application, the answering Respondents beg to state that the Comments have already been stated in the foregoing paragraphs.

13. That with regards to the statements made in paragraph -6.5 of the instant application, the answering Respondents beg to state that the point raised by the petitioners with regard to the comparative strength is not correct. However, a correct comparative statement strength of the (A&E) offices of N.E. Region for the purpose of separation of common Gr'B' cadre.

A copy of the statement of separation of common Gr 'B' Cadre is annexed herewith and marked as ANNEXURE-D.

14. That with regards to the statements made in paragraph -6.6 of the instant application, the answering Respondents beg to state that the comments have already been stated against the foregoing paragraphs.

15. That with regards to the statements made in paragraph -6.7 of the instant application, the answering Respondents beg to state that the points raised by the petitioners have no merit. However, the views of the Director (Legal) have been misinterpreted by the petitioner. The contention of the Director is that after coming to the common cadre consequent upon promotion as Section Officer, Base office concept is not applicable. Hence, common cadre of Gr.B officers of all the offices in the North East offices is applicable. As such, everything is to be decided with reference to the seniority of the respective cadre irrespective of the base office. Hence seniority-cum-preference and base office concept cannot work together. The actual wording used by the Director (Legal) is as under:-

"The cadres of Group B officers in all the Civil Audit Offices in N.E. Region being common, the allocation of officers to the 'Base Office' i.e. the Office from which such officer passed the SOGE, ignoring the option already exercised may not be legally sustainable, as the concept of 'Common cadre' and 'Base Office' do not go together. Officers can be allocated only as per their option. In case it is not possible to allocate as per his option, allocation can be made as per other agreed criterion."

16. That with regards to the statements made in paragraph -6.8 of the instant application, the answering Respondents beg to state that the six AAOs sought for reversion to lower post which is under process.

17. That with regards to the statements made in paragraphs -7.1 to 7.7, 7.9 and 7.10 of the instant application, the answering Respondents beg to state that in view of the position explained in preceding paragraphs, the grounds mentioned in these para have no merit and may pleased to dismissed with cost.

18. That with regards to the statements made in paragraph -7.8 of the instant application, the answering Respondents beg to state that no merits. However, since it is a combined cadre from SO onwards a separate combined gradation list is maintained by the cadre controlling authority in respect of Group 'B' officers of A&E offices of N.E. Region. The Grounds 7.1 to 7.10 set forth in the instant application are not tenable in law, as well as all facts and those are not good grounds at all and same are liable to be rejected.

19. That with regards to the statements made in paragraph -8 of the instant application, the answering Respondents beg to state that it has already been made clear to the respective Associations vide letter dated. 30.3.2006 and Para:5 of headquarter letter dated 13.04.06 that the cadre separation has to be done on the basis of the seniority-cum-preference irrespective of the base office since after coming to the common cadre of Gr.B officers i.e. SO/AAO/AO/Sr.AO, there is no concept of the base office and the officers are liable to be posted in any office in the North East. This is always mentioned in their promotion orders. No separate treatment can be given to the petitioners which will be against the spirit of the policy of the Cadre separation.

A copy of the said Policy is annexed herewith and marked as ANNEXURE-E.

20. That with regards to the statements made in paragraph-9 in the instant application the answering respondents have no comments to offer.

21. That with regards to the statements made in paragraphs -10 and 11 of the instant application, the answering Respondents beg to state that it became necessary to separate the existing common cadre of Gr.'B' officers of A&E offices in the North East Region functioning under the C&AG for the purposes of conducting A&E functions of each of the states of N.E. Region is fair and transparent and taken in to consideration the larger common interest of the combined cadre. Transfer & posting is affected with the aim of creating

VERIFICATION

1. *Tarini Mohan Roy*.....being authorised
to hereby verify and declare that the statement made in this written
statements in para 1,3,4,6,12,14,6,18.....are true to my knowledge, these made in
para 2,5,13,19.....being matter of records are true to my information and
believe and I have not suppressed any material fact.

And I sign the verification on this *20/02/06*.....day
of *May*.....2006.

DEPONENT

*Sr. Renu
Ghosh*

NOTICE

From. S.N. Tarnuli
Advocate

To Gt. Baishya
Sr. C.G.S.C.

Sub: Rejoinder in OA No 13/2006 (Shri S.C.
Paul -vs- VOI & ORS)

Sir,

Find please, enclosed herewith a copy of the
above mentioned rejoinder which is being filed today. This
is for your information and necessary action.

Please acknowledge receipt.

Yours Sincerely
S.N. Tarnuli

Advocate
6/6/06

Reviewed
Gt. Baishya
6.6.06

Mr Gt. Baishya

Sr. C.G.S.C.