

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Hahin
24.10.17

(See Rule 22)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 155/166
2. Miso Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Civil Audit Association

Respondant(s) U. O. I. Teas

Advocate for the Applicant(s) D. K. Das
Smt. R. S. Chaudhary
Mr. B. Purohit

Advocate for the Respondant(s) CASE

Notes of the Registry	Date	Order of the Tribunal
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This application is filed
is filed/C.F. for Rs. 10/-
deposited vide P. No. 266/224472
Dated 17.6.06

Di
Dy. Registrar

Steps Taken 27/6/06

Di

22.06.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

The applicant is an Association which was formed in the year 1995 for redressal of grievances of the employees of the Audit Department, Guwahati. In the year 1997, the office of the Principal Accountant General (Audit) Meghalaya was bifurcated and the office of the Principal Accountant General (Audit), Assam was separated from the main office. The members of the Audit Association opted for posting at Assam. In the year 2006 a move was initiated to separate the common group 'C' and 'D' cadres in the Audit offices of the Principal Accountant General (Audit), Assam and office of the Principal Accountant General (Audit) Meghalaya, Arunachal Pradesh and Mizoram, Shillong, vide order dated 23.03.2006 created separate offices for Arunachal Pradesh and Mizoram. Representation was submitted by the

Contd.


(2)
Contd./-

22.06.2006 applicant Association. It is submitted on behalf of the applicants' Association that the applicants' have no dispute with regard to the cadre separation. However, their grievance is that in spite of the option opted for Assam, they have been deployed to various places on deputation. Counsel for the Applicant Association also brought to my notice to the administrative report, wherein it is mentioned that allocation of senior auditors sanctioned strength is 314 and PIP is 257 and allocation of senior auditors sanctioned strength is 75 and PIP is 62. They submitted that it is clear that deputation adopted is faulted and in violation of the law laid down.

Heard Mr D.K. Das, learned counsel for the applicant association and Mr G. Baishya, learned Sr. C.G.S.C. for the respondents.

Counsel for the respondents submitted that aggrieved persons are not parties in this proceeding ^{and} since Union and 2nd applicant being the General Secretary of the Association has filed this application, it is like a Public Interest Litigation. He also quoted Rule 4(v)(b) of the CAT Act, and argued that minimum 'one aggrieved' person must be a party. Therefore, this application does not stand in its legs.

Contd./-



Contd/-
22.06.2006

I have given due consideration to the arguments advanced by the learned counsel for the parties. Counsel for the respondents also submitted that he would like to take instructions. Let it be done.

Post on 25.07.2006.

Considering the facts that Association had represented the grievance of its members with the respondents and that it is recognized by the respondents, their grievance has been considered by the respondents and acted upon on representations. The contention of the respondents that Association cannot be a party in such proceeding, cannot be accepted. However, having regard to the fact that applicants are interested with the affairs of the members of the Association, I am of the view that it cannot be straight away rejected on that ground alone. However, the applicants are at liberty to improve its pleadings if they so desire.

In the interest of justice, by way of interim measures, I direct the respondents to maintain status quo till the next date of hearing.

Vice-Chairman

The respondents are directed to file the written statement as early as possible so that the pleadings can be completed and the O.A. can be heard in the next Division Bench.

Post before the next available Division Bench.

Vice-Chairman

Notice & order sent to D/Section for issuing to resp. nos. 1, 2 & 4 by regd. A/D post and another resp. no. 3 received by hand. D/No- 679, 680, 681
30/6 Dt= 10/7/06.

Revised, R-3
Gobin
Sr. Secy
27.6.06

27.6.06

An additional affidavit filed by the Applicant /mb/ 02.08.2006

Dr.

Notice duly Served
on resp. no-3.

6/30/06

01.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant
sought for two weeks time to file rejoinder.
Let it be done.

Posted on 18.09.2006. Interim order
dated 22.06.2006 will continue till the
next date.

4.9.06

W/s filed by the
Respondents.

/mb/

Vice-Chairman

18.9.2006 Mrs.R.S.Choudhury, learned counsel
for the applicant submits that rejoinder
has already been filed. Let the O.A. be
admitted.

post on 26.10.2006.

Order dt. 1/9/06
issuing to learned
advocate's for both
the parties.

4/9/06

bb

26.10.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Considering the issue involved and
since identical matters have already been
admitted, I am of the view that the O.A. to
be admitted. Admit.

Pleadings are complete. Post on
13.11.2006.

Vice-Chairman

/mb/

19.9.06

Rejoinder filed by the
applicant.

24.10.06

W/s & rejoinder filed.
Case is ready for hearing.

13.11.2006

post the matter on 11.12.06

Vice-Chairman

The case is ready
for hearing.

bb

11.12.06

post before the next Division Bench

Vice-Chairman

10.11.06
the case is ready
for hearing. 20.11.07 pg

post the matter on 19.3.07.

(2)

Member

F 4

Vice-Chairman

lm

The case is ready
for hearing.

22
16.3.07.


15.03.2007 Present: Hon'ble Shri K.V.

Sachidanandan, Vice-Chairman

Hon'ble Shri Tarsem Lal,
Administrative Member.

Let this case be listed on
19.03.07.

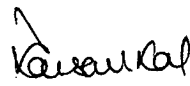

Member



Vice-Chairman

nkm

20.03.2007

Heard Mr D.K. Das, learned
counsel for the applicants and Mr G.
Baishya, learned Sr. C.G.S.C. for the
respondents. Hearing concluded.
Judgment delivered in open court, kept
in separate sheets. The application is
disposed of. No order as to costs.


Member


Vice-Chairman

nkm

27.3.07

Copy of the judgment
handed over to
the 1/2 Ave for
the parties.

Received for
Sr. C.G.S.C.
26/3/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No.155 of 2005

DATE OF DECISION: 20.03.2007

The Civil Audit Association & Anr.

Applicant(s)

Mr D.K. Das, Mrs R.S. Choudhury and
B. Purohit

Advocate(s) for the
applicant(s)

- Versus -

Union of India & Ors.

Respondents

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

Advocate(s) for the
Respondent(s)

CORAM:

THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN
THE HON'BLE SHRI TARSEM LAL, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/No

Vice-Chairman

25/3/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.155 of 2006

Date of Order: This the 20th day of March 2007

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

The Hon'ble Shri Tarsem Lal, Administrative Member

1. The Civil Audit Association (Gr. 'C' & 'D')
Office of the Principal Accountant General (Audit),
Assam, Guwahati - 781029
Represented by its General Secretary.
2. Md. Taizuddin Ahmed
S/o Late Rezeque Ali,
A.G. Quarter Complex,
Quarter no.86, Beharbari
Borsojai, Guwahati-7810029
Presently holding the post of General Secretary,
Civil Audit Association (Gr. C & D), Assam,
Office of the Pr. Accountant General (Audit),
Assam, Maidamgaon, Guwahati-781029.Applicants

By Advocates Mr D.K. Das, Mrs R.S. Choudhury
and B. Purohit.

- versus -

1. The Union of India, represented by the
Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
Indraprastha Head Post Office,
New Delhi- 110 002.
2. The Principal Director (Staff),
Office of the Comptroller & Accountant General of India,
10, Bahadur Shah Zafar Marg,
Indraprastha Head Post Office,
New Delhi - 110002.
3. The Principal Accountant General (Audit), Assam,
Maidamgaon, Guwahati-781029.
4. The Principal Accountant General (Audit),
Meghalaya,
Shillong-793001.Respondents

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

.....

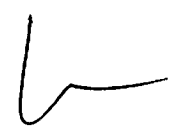
L

ORDER (ORAL)

K.V. SACHIDANANDAN (VICE-CHAIRMAN)

The applicant No.1 is an Association of Civil Audit Group 'C' & 'D' employees in the Office of the Principal Accountant General (Audit) represented by the applicant No.2, the General Secretary of the said association.

2. In the year 1997 the Office of the Principal Accountant General (Audit), Meghalaya was bifurcated and the Office of the Principal Accountant General (Audit), Assam was formed/separated from the main office. The members of the Audit Association opted for posting at Assam. But, in the year 2006 a move was initiated to separate the common Group 'C' and 'D' cadres in the Audit offices of the Principal Accountant General (Audit), Assam and Office of the Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram vide order dated 23.03.2006 by creating separate offices for Arunachal Pradesh and Mizoram. The members of the Association have pleaded that they have no dispute with regard to the cadre separation. However, their grievance is that in spite of the option opted for Assam, they have been deployed to various places on deputation. Aggrieved by the said action of the respondents the applicants have filed this O.A. seeking the following reliefs:

- "8.1 Set aside and quash the impugned order dated 09.06.2006 issued under memo No.Estt.I/Order No.24 by the Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram to the extent whereby 7 members of the Applicant Association (namely, Sri Bibash Chandra Mandal, Sri Provangshu Dutta Roy, Sri Ranjit Gogoi, Sri Ratna Joardar, Sri Binoy Kr Das, Smti Malina Acharjee, Sri Snehashis Roy) have been transferred/sent on deputation to Aizwal (Mizoram) and Itanagar
- 

(Arunachal Pradesh) in consequence to the separation of the Group 'C' & 'D' cadres.

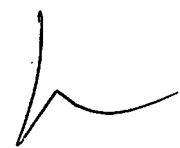
- 8.2 Direct the Respondent authorities to separate the Group 'C' & 'D' cadres as per sanctioned strength and not as per man in position and accordingly adjust the employees of the Department in their choice of posting.
- 8.3 Direct the Respondent authorities to cancel the impugned Orders dated 09.06.2006 and 13.06.2006 (and any other Orders passed in consequence thereto) in so far as they are related to the seven members of the Applicant Association and adjust them against the clear existing vacancies in the Department.
- 8.4 Direct the Respondent authorities to address the grievances of the Applicant Association so raised by them in their Representation dated 06.04.2006 before issuing any adverse order against any of the members of the association."

3. The respondents have filed a detailed written statement and also an additional affidavit in which it is clearly stated in paragraphs 3 and 4 as follows:

"3. That the respondents beg to state that the Association filed the aforesaid case expressing grievances for transfer of the seven members of their Association which clearly stated in paragraph 4.7 of the application. Out of the said seven applicants five applicants were already repatriated back to the office of Pr Accountant General (Audit) Assam vide order dated 23.02.2007. The said officials are at serial No.4, 5 and 8 to 10 of the said order dated 23.02.2007.

.....

4. That the respondents beg to state that the repatriate order of the said applicants were issued within eight months from the order of transfer dated 09.06.2006 clearly shows that the intension of the respondents is to accommodate all their employees including Group C and D cadre as per their option and in the process they will be accommodated within very short time. It is pertinent to mention here that Shri Bibhashj Ch. Mandal will be accommodated soon and his order of repatriate is expected within a month. In the case of Pravanshu Dutta Ray the process has been initiated and he will be repatriated as per his option as and when the vacancy arise."

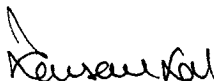


4. It is an admitted fact that according to the applicants seven of their members have been affected by the said order out which, according to the respondents, six have been accommodated and the one left out is Shri Pravanshu Dutta Ray whose case is under process and the respondents have assured in the additional affidavit that they initiated the process and the applicant will be repatriated as per his option as and when vacancy arises.

5. In view of the above submission in the additional affidavit we are of the view that there is nothing left for adjudication and the issue has already been settled. Therefore, we direct the respondents to adhere to their affidavit and promises made therein as expeditiously as possible, in any case in the next available vacancy.

6. The O.A. is accordingly disposed of as above. No order as to costs.

7. The learned counsel for the applicant submitted that he may be given liberty if he is further aggrieved. It goes without saying that the applicant is at liberty to choose his own option in approaching the appropriate forum if he has any further grievance.


(TARSEM LAL)
ADMINISTRATIVE MEMBER


(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

13

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
Guwahati Bench

O.A. No. 155 of 2006

The Civil Audit Association (Gr. 'C' & 'D')

FILED BY the.
Applicant through
Rabhee Sinaethia Chowdhury
Advocate.
22-06-2006

.... Applicant

- VERSUS -

Union of India & Ors.

...Respondents.

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Filed by

R. S. Chowdhury
Advocate

SYNOPSIS

The Applicant Association was formed in the year 1995 to address the grievances of the employees of the Audit Department at Guwahati. In the year 1997 the Office of the Principal Accountant General (Audit) Meghalaya was bifurcated and the office of the Principal Accountant General (Audit), Assam was formed/ separated from the main office. During the said period the members of the Audit Association opted for posting at Assam. However, in the year 2006 a move was initiated to separate the common group 'C' and 'D' cadres in the Audit offices of the Principal Accountant General (Audit), Assam and office of the Principal Accountant General (Audit) Meghalaya, Arunachal Pradesh and Mizoram, Shillong, vide circular dated 23.03.06 by creating separate offices for Arunachal Pradesh and Mizoram. (Annexure- A). In this regard a representation was submitted by the Association to the Respondent No.1 for framing the modalities of cadre separation of Group 'C' and 'D', further requesting not to effect any transfers/ deputation of any of the employees (Annexure - B Colly). However, without addressing the grievances of the Applicant Association, the Respondent No. 3, vide impugned order dated 09.06.06 was pleased to separate the Group 'C' and 'D' cadre with immediate effect further sending seven employees of the Association on deputation to Aizwal (Mizoram) and Itanagar (Arunachal Pradesh) (Annexure- E). It is pertinent to state that clear sanctioned vacancies are available in the office of the Principal Accountant General (Audit), Assam as is evident from a bare perusal of Annexure-E. Despite such vacancies the impugned orders dated 09.06.06 and 13.06.06 have been issued. Hence this application challenging the legality and validity of the impugned action of the Respondent Authorities in issuing the impugned order dated 09.06.06 and 13.06.06 to the extent to which the orders relate to the impugned posting of the members of the applicant association at Itanagar and Aizawl.

H, 5/6/11
encl. 1
[Signature]

[Signature]

LIST OF DATES

- 1997: Office of the Principal Accountant General (Audit), Assam was created by separating from the Meghalaya office.
- 28.03.2006: Circular issued by the Deputy Accountant General, Guwahati inviting options for choice of posting for cadre separation of the Officials of Group 'C' and 'D'
- (Annexure - A, page 14)
- 06.04.2006: The Applicant Association submitted a representation to the Respondent No. 1 regarding cadre separation of Group 'C' and 'D' posts on the basis of sanctioned strength. The same was forwarded vide letter dated 13.04.06 of the Respondent No. 3.
- (Annexure - B Colly, page 15-18)
- 19.04.2006: The Applicant No. 2 wrote to the Respondent No. 3 for information with
and regard to the sanctioned cadre strength and the persons in position in the
25.05.2006 Group 'C' and 'D' posts.
- (Annexure - C Colly, page 19-20)
- 29.05.2006: The Respondent No. 3 informed the Applicant No. 2 that the data desired by him was not readily available.
- (Annexure - D, page 21)
- 09.06.2006: The Respondent No. 4 issued the impugned order placing the officials of Group 'C' and 'D' cadres permanently on deputation basis in the separated offices at Aizwal (Mizoram) and Itanagar (Arunachal Pradesh). Seven members of the Association were also illegally transferred/ deputed to Aizwal/Itanagar despite the availability of clear vacancies in the Assam office of the Department.
- (Annexure - E, page 22-37)
- 13.06.2006: The Deputy Accountant General (Audit) Assam informed the Deputy Accountant General (Audit) Meghalaya that the steps were being taken to release the officials of the office who had been placed on deputation.
- (Annexure - F, page 38)
- 19.06.2006 The Applicant Association submitted a representation to the Respondent No. 3 for redressal of their grievances.
- (Annexure - G, page 39)



22 JUN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH
GUWAHATI

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

FILED BY
THE APPLICANT
THROUGH

RAKHEE SIRAUTHA CHOWDHURY
ADVOCATE
22-06-2006

ORIGINAL APPLICATION NO. 155 of 2006

BETWEEN

1. The Civil Audit Association (Gr. 'C' & 'D')
Office of the Principal Accountant General (Audit)
Assam, Guwahati – 781029
Represented by its General Secretary.
2. Md. Taizuddin Ahmed
S/o Late Rezeque Ali
A.G. Quarter Complex
Quarter no. 86 ,Beharbari
Borsojai, Guwahati-7810029
Presently holding the post of General Secretary,
Civil Audit Association
(Gr. C & D), Assam
Office of the Pr. Accountant General (Audit), Assam
Maidamgaon, Guwahati – 781029.

... APPLICANTS

-AND -

1. The Union of India,
Represented by the Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
Indraprastha Head Post Office,
New Delhi – 110 002
2. The Principal Director (Staff),
Office of the Comptroller & Accountant General of India,
10, Bahadur Shah Zafar Marg,
Indraprastha Head Post Office,
New Delhi – 110 002
3. The Principal Accountant General (Audit), Assam,
Maidamgaon, Guwahati – 781 029

4. The Principal Accountant General (Audit), Meghalaya,
Shillong - 793001

... RESPONDENTS.

DETAILS OF THE APPLICATION

1. **PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE:**

The instant application is directed against the impugned action of the Respondent authorities of issuing the order under memo No. Esstt. I/Order No. 24 dated 09.06.2006 whereby consequent upon the separation of Group 'C' and 'D' cadres of the office of the Principal Accountant General (Audit), Assam, Guwahati and Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram, at Shillong into separate offices at Guwahati, Shillong, Arunachal Pradesh and Mizoram, several employees working as Senior Auditors/Auditors/Stenographers of the Association have been displaced and have been deputed to Aizwal (Mizoram) and/or Itanagar(Arunachal Pradesh). As such, the Association is aggrieved by the impugned Order dated 09.06.2006 to the extent to which it relates to the transfer/deputation of the members of the association in an illegal and arbitrary manner, despite clear vacancies being available as per the sanctioned strength. The applicants are further aggrieved by any subsequent order passed thereto by the Respondent Authorities in violation of the rights guaranteed to the members of the Association, who are also the citizens of India, under Articles 14 and 16 of the Constitution of India.

2. **JURISDICTION OF THE TRIBUNAL:**

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


3. **LIMITATION:**

The Applicant further declares that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. **FACTS OF THE CASE:**

4.1 That, the Applicant No.1 is an Association duly registered and established in the year 1995 to cater to and redress the grievances of the employees of Group 'C' and 'D' cadre working under the office of the Principal Accountant General (Audit), Assam, Guwahati. The said Association is duly recognized by the Government of India and is affiliated to the National Audit Association, Gwalior. As such, the said Association has approached this Hon'ble Tribunal through its General Secretary, i.e. the Applicant No.2 herein for redressal of their grievances. The Applicant No.2 is competent to and has been duly authorised to file this Application. The members of the said Association being the citizens of India are entitled to all rights and privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.

4.2 That, in the year 1997 due to the demand of the public as well as the Government of Assam, the Office of the Accountant General (Audit), the headquarter of which was situated at Meghalaya was bifurcated and the Office of the Accountant General (Audit), Assam was created/shifted at Guwahati. At the relevant time, the officials were posted as per the willingness exercised for option of posting, called by the then administration of the Shillong Office. Accordingly, the officials opting for the work under the Accountant General (Audit), Assam, were allocated to the Guwahati Office and the remaining officials were allocated against the work of the Accountant General (Audit), Meghalaya. Be it stated herein that the Meghalaya office was also looking after the works of Mizoram and Arunachal Pradesh since the same had not been separated.



4.3 That, in the year 2006 a move was initiated by the Respondent Authorities to separate the common Group 'C' & 'D' cadre between

Meghalaya and Assam offices and accordingly, a circular under memo No. Estt.-1/Au/1-81/CS/2005-06/388 was issued on 23.03.2006 by the Deputy Accountant General (A & W), Assam. In the said circular it was notified that the office of Principal Accountant General (Audit), Arunachal Pradesh and Accountant General (Audit), Mizoram would be set up at Itanagar and Aizwal respectively and as such, the cadre control authority, viz the Principal Accountant General (Audit), Meghalaya had accordingly decided to separate the common Group 'C' & 'D' cadre in Guwahati and Shillong offices. It was further notified that each officials in the Group 'C' & 'D' cadre would be required to submit an "Option Form" for choice of office of posting and four other options to go on deputation to other offices in order of preference.

A copy of the said Circular dated 23.03.2006 is annexed herewith and marked as ANNEXURE - A.

- 4.4 That, accordingly the members of the Association working under the Group 'C' & 'D' cadre submitted their options for implementation of cadre separation so envisaged, on 07.04.2006. However, the members of the Association had an emergent General Body Meeting on 05.04.2006 to discuss the modalities of cadre separation of Group 'C' & 'D' cadres. It was accordingly decided by the Resolution No.1 of the said meeting held on 05.04.2006, to urge upon the Respondent No.1 to effect the cadres separation of Group 'C' & 'D' cadres without effecting any transfer/deputation of Group 'C' & 'D' officials working under Office of Principal Accountant General (Audit), Assam. The said resolution taken in the meeting of 05.04.2006 was duly forwarded to the Respondent No.3 on 06.04.2006 with a prayer to forward the same to the Respondent No.1. Accordingly, the Respondent No.3 vide covering letter dated 13.04.2006 was pleased to forward the representation of the Civil Audit Association to the Respondent No.1.

Copies of the letter dated 13.04.2006 as well as the representation dated 06.04.2006 are annexed herewith and marked as ANNEXURE – B Colly.

- 4.5 That, in furtherance of their cause for protecting the interest of the members of the Association, the Applicant No.2 vide his letter dated 19.04.2006 and 25.05.2006 wrote to the Respondent No.3 for providing certain data with regard to the cadre strength of Group 'C' & 'D' officials working under the Principal Accountant General (Audit), Assam office.

Copies of the letters dated 19.04.2006 and 25.05.2006 are annexed herewith and marked as ANNEXURE – C Colly.

- 4.6 That, in pursuance to the said query, the Senior Audit Officer (Administration) under the office of the Principal Accountant General (Audit), Assam informed the Applicant No.2 that the particulars as desired by the Association were not readily available and the same would be furnished to the Association on receipt of the same from the Office of the Principal Accountant General (Audit), Meghalaya.

A copy of the letter-dated 29.05.2006 is annexed herewith and marked as ANNEXURE – D.

- 4.7 That, however, to utter shock and surprise of the Applicants, the Respondent Authorities without addressing the grievances of the Applicants made vide their representation dated 06.04.2006 (Annexure-B Colly herein) issued an impugned Order under memo No. Estt. I/Order No. 24 dated 09.06.2006, whereby, consequent upon the separation of Group 'C' & 'D' cadres, the employees were placed permanently in the



offices as shown against their name. A list showing the names of the officials placed on deputation to the deficit officers on the basis of seniority/options was also prepared and the said order was given immediate effect from the same date, i.e. 09.06.2006. It is pertinent to mention herein that in the said impugned order, the names of 7 (seven) members of the Applicant Association also figured in Annexures – V & VI, who were placed on deputation to the Office of the Accountant General (Audit), Mizoram and Accountant General (Audit), Arunachal Pradesh. The names of the said seven officers who were effected /deputed are as under:

- | | | |
|------------------------------|--|-----------------|
| 1. Sri Bibash Chandra Mandal | ...Auditor | Opted for Assam |
| 2. Sri Provangshu Dutta Roy | ...Stenographer | Opted for Assam |
| 3. Sri Ranjit Gogoi | ...Sr. Auditor | Opted for Assam |
| 4. Sri Ratna Joardar | ...Sr. Auditor | Opted for Assam |
| 5. Sri Binoy Kr. Das | ...Sr. Auditor | Opted for Assam |
| 6. Smti. Malina Acharjee | ...Sr. Auditor | Opted for Assam |
| 7. Sri Snehashis Roy | ... Stenographer [”] | Opted for Assam |

A copy of the said impugned order-dated 09.06.2006 along with all its Annexures is marked herewith as ANNEXURE – E.

- 4.8 That, in pursuance of the said impugned notification dated 09.06.2006 the Deputy Accountant General (Administration) under the office of the Principal Accountant General (Audit), Assam wrote to the Deputy Accountant General (Administration), Meghalaya vide letter dated 13.06.2006 stating, inter alia, the steps are being taken to release the officials who had been placed on deputation from their posting at Assam office to Mizoram and Arunachal Pradesh.



A copy of the said letter dated 13.06.2006 is annexed herewith and marked as ANNEXURE - F.

4.9 That, immediately thereafter, the Civil Audit Association in an emergent ^{General} Body meeting held on 15.06.2006 resolved to agitate the grievances of the said seven officials so affected by the impugned orders dated 09.06.2006 and 13.06.2006 in the appropriate forum. That the applicants state that pursuant to the said emergent General Body, the Applicant no.2 submitted a representation on 19.06.2006 to the Respondent no.3 for not releasing the Group 'C' & 'D' officials who had been transferred on deputation to other offices pursuant to the separation of Group 'C' and 'D' cadre posts. However no positive action has been forthcoming from the authorities to redress the grievances of the Applicants.

A copy of the said representation dated 19.06.2006 is annexed herewith and marked as ANNEXURE - G

4.10 That it is further pertinent to mention herein that upon enquiry, the Applicant No.1 could find out the allocated/sanctioned cadres strength under a different cadres in the office of the Principal Accountant General (Audit), Assam as published in the Administrative Report for the year 2004-2005. As per the said Report the Group-C posts of Senior Auditors had a sanctioned strength of 314 whereas only 257, persons were holding position. Similarly, the Group-C posts of Auditors the sanctioned strength was 61, whereas the actual persons in position was only 16. Also, the sanctioned strength of cadre posts of Stenographer was 5, whereas the person in position was only 1. As such, it is evident that clear vacancies are available in the office of the Principal Accountant General (Audit), Assam to accommodate the persons who

had been illegally deputed to the offices to be opened at Itanagar and Aizwal. It clearly reflects that the Respondent Authorities with a clearly malafide intention are seeking to transfer/depute the said 7 officials from the office at Assam to the offices which are to be opened at Itanagar and Aizwal. The Applicants apprehend the Authorities are likely to issue necessary orders in this regard very shortly and as such, have approached this Hon'ble Tribunal by way of the instant application for the redressal of their grievances. It is categorically stated herein that the members of the applicant association who have been transferred/sent on deputation to Aizwal and Itanagar are still holding charge in their respective posts at Guwahati and have not yet been released from their posts.

5. **GROUND'S FOR RELIEF/S WITH LEGAL PROVISIONS:**

5.1 For that, the Respondent Authorities while issuing there impugned orders dated 09.06.2006 and 13.06.2006 have completely failed to take into consideration the representation so filed by the Association on 06.04.2006. The fact that clear and categorical vacancies are available under the office of the Principal Accountant General (Audit), Assam has been completely ignored/overlooked by the Authorities while issuing the impugned order dated 19.06.2006. As such, the same is liable to be interfered with by this Hon'ble Tribunal.

5.2 For that, the employees of the Association have already undergone several hardships due to shifting of the office of the Principal Accountant General (Audit), Assam in the year 1997. As such, another transfer/deputation would not only cause a lot of hardships to the employees, but would also put financial stress on them. The Group-'C' & 'D' officials belong to relatively low income groups and as such, subjecting them to such unwarranted financial hardships is illegal,




arbitrary, malafide and is also violative of the provisions of Articles 14 and 16 of the Constitution of India.

5.3 For that, a bare perusal of the impugned order dated 09.06.2006 makes it evident that all the 7 persons who had been placed on deputation vide Annexure-V and VI had opted for Assam in their "Option Form" and the Authorities without application of mind, in an arbitrary and malafide manner have held that the said persons are not covered by option and hence are being placed on deputation to Aizwal and/or Itanagar. Considering the fact that the Administrative Report of 2004-2005 categorically envisages several vacancies in the cadre of Senior Auditor/Auditor/Stenographer under the Principal Accountant General (Audit), Assam, it was incumbent upon the Respondent Authorities to have accommodated the said 7 persons within the office at Assam. Not having done the same has caused severe prejudice to the Applicant Association as well as its members and the same is liable to be interfered with by this Hon'ble Tribunal.

5.4 For that, in the backdrop of the facts and circumstances that have been narrated herein above, it is apparent that the impugned action on the part of the Respondents is purely in violation of Articles 14, 16 and 21 of the Constitution of India, besides being illegal, arbitrary and malafide.

5.5 For that, the Respondent Authorities acted illegally in issuing the impugned order dated 09.06.2006, without first addressing the issue of the modalities of cadres separation of Group-'C' & 'D' cadres which have been raised by the Applicant Association in their representation dated 06.04.2006. In the said representation it had been categorically mentioned that the officials of Group - 'C' & 'D' cadres of the Principal Accountant General (Audit), Assam should not be dislocated and that the formation of modalities ought to be on the basis of the sanctioned



strength. However, the Respondent No.1 is yet to address such grievance/issues raised by the Applicant Association. This Hon'ble Tribunal would therefore be pleased to intervene in the matter and grant appropriate relief to the Applicants by issuing specific directions to the Respondent Authorities for adjusting of employees as per the sanctioned cadre strength.

5.6 For that, it is clearly evident that the impugned order dated 09.06.2006 has been issued most mechanically without application of mind to the relevant factors. In fact, factors other than relevant and bonafide have been taken note of while issuing the said impugned order. Under these circumstances it is apparent that the said impugned action is grossly illegal, arbitrary, unfair, unreasonable and capricious. No person reasonably instructed in law could have issued the said impugned order, especially considering the fact that clear vacancies existed in the cadres under the office of the Principal Accountant General (Audit), Assam. The same reflects malice in law as well as malice in facts. As such, the said impugned order is liable to be set aside and quashed.

5.7 For that, this application is filed bonafide and in the interest of justice.

6. **DETAILS OF REMEDIES EXHAUSTED:**

That the applicants declare that they have no other alternative and efficacious remedy available to them except by way of this instant application.

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:**

That the applicants declare that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. **RELIEFS SOUGHT FOR:**

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application and notice be issued to the Respondents to show cause as to why the reliefs sought for by the applicants shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs:

- 8.1 Set aside and quash the impugned order dated 09.06.2006 issued under memo No. Estt. I/Order No.24 by the Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram to the extent whereby 7 members of the Applicant Association (namely, Sri Bibash Chandra Mandal, Sri Provangshu Dutta Roy, Sri Ranjit Gogoi, Sri Ratna Joardar, Sri Binoy Kr. Das, Smti. Malina Acharjee, Sri Snehashis Roy) have been transferred/sent on deputation to Aizwal (Mizoram) and Itanagar (Arunachal Pradesh) in consequence to the separation of the Group 'C' & 'D' cadres.
- 8.2 Direct the Respondent authorities to separate the Group 'C' & 'D' cadres as per sanctioned strength and not as per man in position and accordingly adjust the employees of the Department in their choice of posting.
- 8.3 Direct the Respondent authorities to cancel the impugned Orders dated 09.06.2006 and 13.06.2006 (and any other Orders passed in consequence thereto) in so far as they are related to the seven members of the Applicant Association and adjust them against the clear existing vacancies in the Department.
- 8.4 Direct the Respondent authorities to address the grievances of the Applicant Association so raised by them in their Representation dated 06.04.2006 before issuing any adverse order against any of the members of the association.



8.5 Any other relief or reliefs to which the applicants are entitled to, under the facts and circumstances of the case as may be deemed fit and proper by this Hon'ble Tribunal.

9. **INTERIM RELIEF PRAYED FOR**

The Applicants pray that this Hon'ble Tribunal be pleased to direct the Respondent Authority particularly the Respondent no.3 not to issue release Orders with regard to the seven members of the Applicant Association posting them to Aizwal and/or Itanagar and/or to stay/suspend the operation of the impugned Order dated 09.06.2006 transferring the members of the Applicant Association on deputation to Aizwal/Itanagar, in so far as the said Order related to the members of the Applicant Association.

10. **PARTICULARS OF THE IPO.**

- i. I.P.O. NO. : 266-324472
ii. Date of Issue : 17-6-06
iii. Issued from : GPO
iv. Payable at : Girwah.

11. **DETAILS OF ENCLOSURES:**

As stated in the Index.



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

I, Shri Taizuddin Ahmed, son of Late Rezeque Ali, aged about 50 years, resident of A.G. Quarter Complex, Quarter No. 86, Beharbari, Borsojai, Guwahati – 781 029, Presently holding the post of General Secretary, Civil Audit Association (Gr. C & D), Assam Office of the Pr. Accountant General (Audit), Assam Maidamgaon, Guwahati – 781029 in the district of Kamrup, Assam do hereby solemnly affirm and verify that I am the Applicant No. 2 in the instant application and as such, I am fully acquainted and well conversant with the facts and circumstances of the case. Further, I have been duly authorised to swear this Verification on behalf of the Applicant No.1. The statements made in Paragraphs 1, 2, 3, 4.1, 4.2, 4.3 (Pt), 4.4, 4.5, 4.6, 4.7 (pt), 4.9, 4.10. are true to my knowledge and those made in Paragraphs 4.3 (pt), 4.7 (pt) 4.8. are matters of records derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 22nd day of June, 2006 at Guwahati.

Taizuddin Ahmed

SIGNATURE OF THE APPLICANT

Identified by:

Ranbir Singh Choudhary
Advocate

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

CIRCULAR

Circular No. Estt-1/Au/1-81/CS/2005-06/388

Dated : 23-03-2006

Sub:- Separation of Common Group 'C' and 'D' Cadre between Meghalaya and Assam Offices.

The Cadre Controlling Authority viz., O/o the Principal Accountant General (Audit) Meghalaya, etc., Shillong has decided to separate the common Gr. 'C' and 'D' cadre in the Audit Offices of the O/o the Principal Accountant General (Audit), Assam, Guwahati and O/o the Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram, Shillong.

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

- The O/o the Principal Accountant General (Audit), Arunachal Pradesh and Accountant General (Audit), Mizoram will be set up but both the Offices will however, continue to function from Shillong till such time the Office space and Staff Quarters are available in Itanagar and Aizwal respectively.
- Each Official in the Gr. 'C' & 'D' Cadres besides indicating an option in the prescribed "Option Form" (enclosed) for choice of Office for posting will also be required to indicate an option to go on deputation to other offices in order of preference.
- Officials who are finally allocated to the Office of their choice, no deputation allowance will be paid.
- Officials who are finally allocated to one Office, but are temporarily allocated to another office, no deputation allowance will be admissible until and unless the deputation involves a change of Station.
- Each Official is required to exercise his/her option in the prescribed "Option Form" to the Estt-1 Section on or before 05-04-2006 positively. If any official fails to exercise his/her option within the stipulated date, the Cadre Controlling Authority will allocate such official permanently to any of those 4 (four) Offices according to his choice.

The option once exercised will be final.

(Authority:- *Principal Accountant General's order dated 22-03-2006 at P/2^N of File No. Estt-1/ Au/1-81/CS/2005-06*)

Sd/-

Deputy Accountant General (A&W)

Memo No. Estt-1/Au/1-81/CS/2005-06/4104-0

Dated: 23-03-2006

Copy forwarded for information and necessary action to:-

1. The D.A.G.(i/c & C&A)
2. The D.A.G.(A&W)
3. The Secy. to the Pr.A.G.(Audit), Assam.
4. All Branch Officers.
5. All Sections.
6. All Notice Boards.

they are requested to bring the contents of the circular to the notice of all the Gr. 'C' & 'D' staffs deployed in field duty with the instruction to collect the "Option Form" personally and submit the same within the stipulated date to Estt-1/Section.

Senior Audit Officer (Admn.)

Certified to be true copy

Rekha Sircar Chowdhary
 ADVOCATE

कार्यालय, प्रधान महालेखाकार (लेखा परीक्षा), असम

OFFICE OF THE
PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM

No. Estt./Au/1-81/CS/2005-06/106

Dated: 13.04.2006

To

The Comptroller and Auditor General of India
10, Bahadurshah Zafar Marg,
Indraprastha Head Post Office
New Delhi - 100 002

Attention: SRI MANISH KUMAR, Asst. Comptroller & Auditor General (N)

Subject: Representation regarding modalities for cadre separation of Group 'C' and 'D' on basis of sanctioned strength.

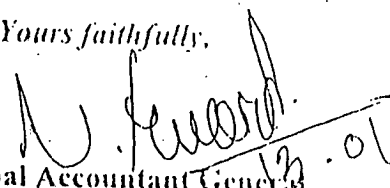
Sir,

I am to forward herewith the representation submitted by the Civil Audit Association (Group 'C' and 'D') regarding modalities for cadre separation of common Group 'C' and 'D' in the office of the Principal Accountant General (Audit), Assam, Guwahati and Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram Shillong for necessary action at your end.

Encls:

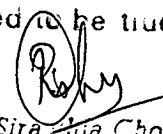
As stated above.

Yours faithfully,


Principal Accountant General

बेल्लोला, गुवाहाटी/Bellola, Guwahati-781029
Telephone: 0361-2301873, 2301291, 2300665, Fax-0361-2300817
E-Mail: agauAssam@ag.gov.in

Certified to be true Copy


Rakhee Sircania Chowdhary
ADVOCATE



Unity is strength

CIVIL AUDIT ASSOCIATION

(Gr.-C & D)

*Recognised by the Government of India
(Affiliated to the National Audit Association, Swalior)*

**Office of the Pr. Accountant General (Audit), Assam
Guwahati-781029**

No. CAA/...C&AG/05-06/67

Date:.....
06-04-2006

To

**The Principal Accountant General (Audit),
Assam, Guwahati**

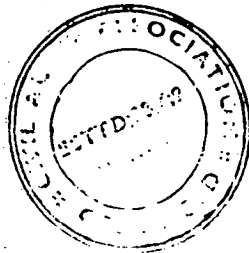
Ref: Circular No.Esst.I/Audit/1-81/CS/2005-06/388 dated 23-03-06
Of Pr. Accountant General (Audit), Assam

Subject: Prayer to forward the representation to C & A G of India

Sir,

I have the honour to request you kindly to forward the representation regarding cadre separation of Group 'C' & 'D' (enclosed herewith) to the Hon'ble Comptroller & Auditor General of India for needful action with immediate effect.

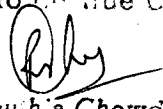
With regards.



Yours faithfully,

(TAIZUDDIN AHMED)
GENERAL SECRETARY
CIVIL AUDIT ASSOCIATION, ASSAM
GROUP 'C' & 'D'

Certified to be true Copy


Rakhee Srivastava Chowdhary
ADVOCATE



CIVIL AUDIT ASSOCIATION

(Gr.-C & D)

*Recognised by the Government of India
(Affiliated to the National Audit Association, Gwalior)*

**Office of the Pr. Accountant General (Audit), Assam
Guwahati-781029**

No. CAA/C&AG/05-06/62

Date: 06-04-2006

To

**The Hon'ble Comptroller & Auditor General of India,
10 - Bahadur Shah Zafar Marg, Indraprastha Head Post Office,
New Delhi - 110 002**

Ref:

(Through Principal Accountant General (Audit) Assam.)
Circular No. Estt-I/Au/1-81/CS/2005-06/388 Dt. 23/03/2006.

Subject:

**Representation regarding modalities for cadre separation of
Group 'C' & 'D' on the basis of sanctioned strength.**

Sir,

In pursuance to the resolution taken by the emergent General Body Meeting of the Civil Audit Association, Assam held on 5th April, 2006, I am directed to submit herewith the following resolution approved by the General Body to draw your kind attention please.

RESOLUTION NO. 1 As per demand of the Public and Government of Assam, the O/o the A.G.(Audit), Assam was shifted/created to Guwahati in 1997. In this regard, officials (Combined officials) were posted as per willingness exercised for option on public interest called by the then Administration of Shillong Office. Accordingly, the officials assigned for the work of A.G.(Audit), Assam were allocated to Guwahati Office and the remaining officials were allocated against the work of A.G.(Audit), Meghalaya, Mizoram and Arunachal Pradesh and the assigned works were being looked after by those officials allocated to the Pr.A.G.(Audit), Meghalaya etc. Hence, the General Body has urged upon the Hon'ble C & A G of India to effect cadre separation of Group C & D cadres without effecting any transfer/deputation of Gr. C & D officials of this office.

OR

The Hon'ble C & A G of India is urged to frame the modalities of cadre separation of Group 'C' & 'D' as follows :-

If the number of optees in Group 'C' & 'D' cadre in the office of Pr.A.G.(Audit), Assam, is more than the sanctioned strength of this office, the junior most officials of the concerned cadre in excess of the sanctioned strength may please be allocated to the O/o the Pr.A.G.(Audit), Meghalaya, Shillong. Any other way of allocations of the officials of Gr. C & D Cadres of this office to other offices will not be accepted in this regard.

Contd - P/2

Certified to be true Copy


**Rakhee Sircuthia Chowdhary
ADVOCATE**

-P/2-

That Sir, already all the pains for shifting the office of the A.G.(Audit), Assam was borne by the officials of this office on transfer in 1997. At this moment another transfer/deputation will again cause a lot of dislocation. The Group C&D officials belong to relatively low-income groups and frequent transfer putting a lot of financial stress. Many of us are even forced to maintain two establishments due to family compulsion.

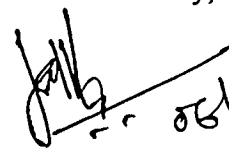
That Sir, the officials of Pr.A.G.(Audit), Assam can not afford unwarranted financial hardship with all attended consequences in terms of physical and mental stress. Such harassment can be avoided if cadres are separated without effecting transfer/deputation of the officials of this office as mentioned in resolution no.17

I, therefore, on behalf of Civil Audit Association, Group C&D, Assam fervently request to your kind self to accept our representation in regard to cadre separation of Group C&D without having any forceful transfer/deputation.

This is for favour of your sympathetic action please.

With regards.

Yours faithfully,

 06/04/06

(TAIZUDDIN AHMED)

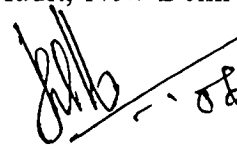
General Secretary,
Civil Audit Association,
Group-C&D, Assam, Guwahati-29

Memo No.CAA/C&AG/2005-06/63-66

Dated: 06.04.2006

Copy forwarded for necessary information and needful action to :-

1. The Principal Accountant General (Audit), Assam , Guwahati-29.
2. The Principal Accountant General (Audit), Meghalaya, Shillong-01.
3. Shri Arun Vidwans, Secretary General, National Audit Federation, Gwalior-11.
4. Shri M.S.Rathi, General Secretary, Civil Audit Association, Delhi cum Vice President, National Audit Federation, O/o the Pr. Director of Audit, New Delhi-110002, A.G.CR Building, New Delhi-02

 06/04/06

(TAIZUDDIN AHMED)

General Secretary,
Civil Audit Association,
Group-C&D, Assam, Guwahati-29



CIVIL AUDIT ASSOCIATION**(Gr.-C & D)***Recognised by the Government of India
(Affiliated to the National Audit Association, Swalior)***Office of the Pr. Accountant General (Audit), Assam
Guwahati-781029**

Unity is strength

No. CAA/...../Pr.A.G./2005-06/69

Date: 19.04.2006

To

*The Principal Accountant General (Audit),
Assam, Beltola, Guwahati-29***Subject: -Requirement of certain data regarding the modalities for implementation of
Cadre separation C&D officials.****Reference: Estt-1/Au/CAA/2005-06/4168 dated 04.04.2006****Respected Sir,**

In continuation of letter No. CAA/ Pr.A.G.(Audit)/2005-06/61 dated 29.03.2006 of Civil Audit Association(CAA), Assam, I respectfully request your kind self to provide me the under mentioned data, as required by the CAA, Assam for observing the modalities for implementation for cadre separation of Group-C&D officials between the Office of the Principal Accountant General(Audit), Assam and the Office of the Principal Accountant General(Audit), Meghalaya, Etc.

Sl. No.	Name of the office	Cadre	Sanctioned strength	M.I.P as on 01.03.06	M.I.P as on 01.04.06	Vacant post as on 01.04.06	No. of optees
1	O/o of the Pr.AG(Au), Assam Guwahati	(a)Sr.Ar. (b)Auditor (c)Clerk (d)Gr.D	Data already obtained	Data already obtained	Data already obtained	Data already obtained	Data yet to be obtained
2	O/o of the Pr.AG(Au), Meghalaya etc. Shilong	(a)Sr.Ar. (b)Auditor (c)Clerk (d)Gr.D	Data already obtained	Data yet to be obtained	Data yet to be obtained	Data yet to be obtained	Data yet to be obtained

That Sir, if the approved sanctioned strengths in respect of Meghalaya, Arunachal Pradesh and Mizoram offices is available in the Office of the Principal Accountant General (Audit) , Meghalaya, Shillong, this may please be furnished.

With regards.

Yours faithfully,

(TAZUDDIN AHMED),**General Secretary,
Civil Audit Association (Gr. C & D),
Assam, Guwahati-29**

Certified to be a true copy

Rakhee
**Rakhee Sirauthia Chow hary
ADVOCATE***Rakhee*
19/04/06

CIVIL AUDIT ASSOCIATION

(Gr.-C & D)

Recognised by the Government of India
(Affiliated to the National Audit Association, Gwalior)

Office of the Pr. Accountant General (Audit), Assam
Guwahati-781029



Unity is strength

No. CAA/Pr.A.G./2005-06/70

Date 25.05.2006

To

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

Subject: -Requirement of certain data for scrutinisation regarding the finalisation of cadre separation of Group-C&D officials between Pr. A.G.(Audit), Assam and Pr. A.G.(Audit), Meghalaya etc.

Respected Sir,

In continuation of letter No. CAA/ Pr.A.G.(Audit)/2005-06/61 dated 29.03.2006 and letter No. CAA/ Pr.A.G.(Audit)/2005-06/69 dated 19.04.2006 of Civil Audit Association(CAA), Assam, I respectfully request your kind self to provide me the under mentioned data, as required by the CAA, Assam for necessary scrutinisation regarding finalisation of cadre separation of Group-C&D officials between the Office of the Principal Accountant General(Audit), Assam and the Office of the Principal Accountant General(Audit), Meghalaya, etc.

Sl. No.	Name of the office	Cadre	Required Strength as on 30.04.2006	No. of optees as on 10.04.2006
1	O/o of the Pr.AG(Au), Assam Guwahati	(a)Sr.Ar. (b)Auditor (c)Clerk (d)Gr.D (e)Stenographer		
2	O/o of the Pr.AG(Au), Meghalaya etc. Shilong	(a)Sr.Ar. (b)Auditor (c)Clerk (d)Gr.D (e)Stenographer		

This is favour of your needful action please.

With regards.

Yours faithfully,

(TAIZUDDIN AHMED),
General Secretary,
Civil Audit Association, Assam,(Gr.-C&D)
Guwahati-29

Certified true copy

Rakhee Sirauthia Chow hary
ADVOCATE

36

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

No. Estt./Audit/CCA/Pt.II/2005-06/622

Dated: 29.05.2006

To

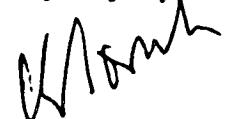
The General Secretary,
Civil Audit Association (Gr. 'C' & 'D')
O/e the Pr. Accountant General (Audit), Assam,
Beltola, Guwahati - 29

Subject: *Information/Datas in respect of Gr. 'C' & 'D' staff.*

Sir,

With reference to your letter No. CAA/Pr.A.G./2005-06/70 dated 25.05.2006, I am to state that the particulars as desired by you are not readily available in this office. However, the Pr. Accountant General (Audit), Meghalaya, etc., Shillong has been requested to furnish the said information/data. On receipt of the same it will be furnished to you.

Yours faithfully,

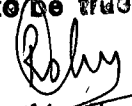


Sr. Audit Officer (Admn.)

To send

Recd on
8/6/06
8/6/06

Certified to be true copy



Rakhee Sircar Chowdhury
ADVOCATE



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

No Estt./Order No. 24

Dated : 9th June, 2006

Consequent upon the separation of Group 'C' and 'D' Cadres of the office of the Pr. Accountant General (Audit), Assam, Guwahati and Pr. Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram, Shillong into the office of the Pr. Accountant General (Audit), Assam, Guwahati, office of the Pr. Accountant General (Audit), Meghalaya, Shillong, office of the Accountant General (Audit), Arunachal Pradesh, Itanagar and office of the Accountant General (Audit), Mizoram, Aizawl, the following Sr. Hindi Translators/Sr. Auditors/Stenographer- Grade-I & II/Auditors/Clerks/Staff Car Drivers/S.G.R.Ks/R.Ks/Dufties/Sr. Peons/Peons/Chowkidars/Waterman/Safaiwalas are placed permanently in the offices as shown in Annexures-I, II, III and IV.

Lists showing the names of the officials placed on deputation to the deficit offices on the basis of seniority/options are shown in Annexures-V & VI.

The placement of the officials permanently or on deputation basis in the separated offices will be with effect from 09/06/2006.

On permanent allocation to the offices of the Pr. Accountant General (Audit), Assam, Guwahati, office of the Pr. Accountant General (Audit), Shillong, office of the Accountant General (Audit), Arunachal Pradesh, Itanagar and office of the Accountant General (Audit), Mizoram, Aizawl, the officials will sever all links with the common cadre and will have no connection with other offices of the Pr. Accountants General/Accountants General (Audit). They will be liable to perform all duties and functions connected with audit including assignment to peripatetic audit parties of the office to which they have been allocated. They are also liable to be transferred to Branch/Zonal offices already in existence or to be formed in future and anywhere within the State where they are permanently allocated/placed on deputation.

The officials who are presently on deputation to other offices will be posted on their repatriation to the offices to which they are permanently allocated as per their seniority and option exercised by them. If no vacancy is available in such office on the date of repatriation, the junior most person in the concerned cadre in that office will be sent on deputation to deficit offices.

Contd. 2/-

Certified to be true Copy

Rakhee Sirauthia Chowdhury
Rakhee Sirauthia Chowdhury
ADVOCATE

The inter-se seniority of persons in the separated office will be shown in the gradation list of that office. The seniority of the officials who will be on deputation to the deficit offices will be shown by the office for which they have exercised their first option.

Sd/-

Principal Accountant General.

Dated : 9th June, 2006

Memo No Estt.I/Audit/12-31/2006-07/963-64

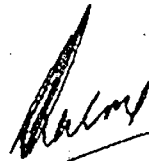
Copy forwarded for information and necessary action to:-

✓

The Pr. Accountant General (Audit), Assam, Maidamgaon, Beltola, Guwahati. He is requested to release the officials who were placed on deputation to other deficit offices. Since the office of the Accountant General (Audit), Arunachal Pradesh, Itanagar and office of the Accountant General (Audit), Mizoram, Aizawl is still functioning from this office, the officials may be asked to report to this office.

2.

The Principal Director (Staff), office of the Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, Indraprastha Head Post Office, New Delhi - 110 001.



Principal Accountant General.

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM, GUWAHATI.ALLOCATION OF SENIOR AUDITORS (SANCTIONED STRENGTH : 314 ; PIP : 257)

- S/Shri/Smti.
1. Dharmeswar Das
 2. Subrata Kr. Paul
 3. Anukul Dhar
 4. Subhas Ch. Sarkar
 5. Jayashree Das
 6. Chandanlal Sen
 7. Rajani Kanta Barman
 8. Cheni Ram Gogoi
 9. Indreswar Borah
 10. Anil Kumar Baruah
 11. Sudhangshu Ranjan Dhar
 12. Uddab Ch. Dutta
 13. Pradip Kumar Saikia
 14. Girindra Nath Deka
 15. Prafulla Chandra Saikia
 16. Satya Prasad Borah
 17. Sashindra Nath Choudhury
 18. Phanindra Chandra Goswami
 19. Gokul Chandra Konwar
 20. Heramba Prasad Kakoti
 21. Khagendra Nath Sarma
 22. Deben Rajbongshhi
 23. Chapal Kumar Hazarika
 24. Mohini Mohan Deka
 25. Mahendra Nath Baishya
 26. Kamini Kanta Sharma
 27. Girish Chandra Dutta
 28. Sekhar Das
 29. Kamini Kumar Sarma
 30. Digindra Das
 31. Nagendra Chandra Nath
 32. Bhogeswar Panging
 33. Ghana Kanta Doley
 34. Karuna Kanta Lahakar
 35. Subhas Chandra Dey
 36. Kalap Kanti Das
 37. Debopriya Das
 38. Bibekananda Sen
 39. Haidar Ali
 40. Subodh Chandra Ghosh
 41. Balendra Basumatari
 42. Dadhi Ram Das
 43. Saiadhar Mudoi
 44. Sarat Chandra Choudhury
 45. Khagendra Nath Kalita
 46. Mahendra Nath Deka
 47. Jamnajoy Bhattacharjee
 48. Debasish Das
 49. Jiban Chandra Dutta
 50. Sadhan Chandra Rabha
 51. Jagadish Chandra Talukdar
 52. Kumar Sankar Purkayastha
 53. Ranatosh Chakrabarty
 54. Bolin Borsaikia
 55. Safiqul Islam Barbhuiya

Person in Panchas

56. Haladhar Das
57. Bipul Chandra Lahakar
58. Radha Govinda Saha
59. Niranjan Chandra Das
60. Hridayanda Bora
61. Manab Chandra Baishya
62. Narendra Chandra Das
63. Dilip Kumar Sarma (I)
64. Taizuddin Ahmed
65. Dinesh Chandra Haloi
66. Prasadunya Malakar
67. Nagendra Chandra Baishya
68. Madhab Chandra Kakoti
69. Bapan Chandra Kalita
70. Puran Chandra Amchi
71. Surendra Nath Saikia
72. Dilip Kumar Sarma (II)
73. Robini Mushahari
74. Rabi Sankar Roy
75. Jatindra Mohan Roy
76. Sushil Sarma
77. Nani Gopal Saha
78. Sambudha Dasgupta
79. Rabin Duarah
80. Manoranjan Borah
81. Sarbananda Sarania
82. Tarun Sonowal
83. Nirmal Kumar Malakar
84. Hem Kanta Gogoi
85. Rabin Chandra Baishya
86. Rabindra Pathak
87. Harendra Nath Sarma
88. Bikramjit Mitra
89. Jogendra Nath Boro
90. Subhash Chandra Bhattacharjee
91. Bhupendra Nath Pathak
92. Kamal Chandra Dutta
93. Samarendra Narayan Deb
94. Pani Ram Deka
95. Dharmeswar Keot
96. Mileswar Deka Doloi
97. Bibhuti Bhusan Bhattacharjee
98. James Minj
99. Sidhartha Bhattacharjee
100. Sajal Kumar Sen
101. Subodhi Paul
102. Sanchita Mukherjee
103. Prafulla Narayan Das
104. Ananda Chandra Das
105. Aruna Chakrabarty
106. Bhupen Patowari
107. Arun Chandra Sarma
108. Amalendu Dey
109. Sujata Chakrabarty
110. Umakanta Hazarika
111. Ranjit Hazarika
112. Gandhiram Pegu
113. Shibani Choudhury
114. Sushanta Kumar Purkayastha
115. Noinal Chandra Deka
116. Salam Kumar Singh
117. Paran Chandra Sarkar (at present on deputation in other office)
118. Soumitra Das
119. Suchitra Ghosh

120. Biman Sarkar
121. Pradip Dasgupta (I)
122. Mintu Mitra
123. Sital Kumar Roy
124. Ashish Kumar Gupta
125. Biman Ranjan Das
126. Jaba Dey
127. Ajay Bahuguna
128. Maya Bhattacharjee Dhar —
129. Anupama Chakrabarty
130. Diptangshu Choudhury
131. Subhas Chandra Das —
132. Mrinal Kanti Sen
133. Suren Chandra Mili
134. Raj Kumar Taye
135. Pratul Khakhlari
136. Mitul Chakrabarty
137. Md. Hazarat Ali
138. Bishnupada Bhattacharjee
139. Rupon Doimari
140. Raj Narayan Adhyapak
141. Debashish Senapati —
142. Pranab Kumar Rajbongshi
143. Sanjoy Sarkar —
144. L. Haridas Singh
145. Sandip Kumar Das —
146. Amitava Mazumdar
147. Surajit Bhattacharjee
148. Tapan Kumar Dey
149. Arun Kumar Dey
150. Ashim Kumar Ghosh
151. Ajit Das
152. Jyoti Rajkhiowa Lama —
153. Barun Dey —
154. Madhabi Sen
155. Mridul Bayan
156. Nina Das
157. Amit Das —
158. Jagadish Deka
159. Debabrata Kalita
160. Monoranjan Deka
161. Kanu Deb —
162. Bishnu Ganguli
163. Manish Dey
164. Md. Rafikuddin Ahmed
165. Sarjiv Kumar
166. Biswajit Ghosh
167. Arup Kar
168. Jayanta Sarma (II)
169. Subrata Biswas
170. Shilla Bist
171. Sanjay Kumar
172. Debashish Dey
173. Pankaj Kumar (at present on deputation)
174. Monomohan Deori
175. Biplab Kumar Saha Roy
176. Jagadish Ghosh
177. Sumita Kharmuttee —
178. Sarbajit Acharjee
179. Sharmistha Bhattacharjee
180. S. Thangtinmang
181. Tapajit Dutta
182. Bhaktikana Bhattacharjee —
183. Pradip Das Gupta (II)

- 21-
- 52
184. Suvajit Deb (at present on deputation)
 185. Gopal Joshi
 186. Indrani Bhattacharjee
 187. Ajanta Ahmed
 188. Sankar Kumar Das
 189. Swapan Kr. Roy
 190. Manoj Kr. Baishya
 191. Swapan Mondal
 192. Prakash Ch. Das
 193. Kamini Kr. Das
 194. Pinaki Bhattacharjee
 195. Deb Dulal Roy
 196. Arindam Dey
 197. Arijit Sinha
 198. Rangeswari Hazarika Deka
 199. Tajmina Sultana
 200. Sanjay Lama
 201. Swapna Das
 202. Dharmajit Banik
 203. Bharat Chandra Saikia
 204. Surendra Nath Sonowal
 205. Phuleswari Roy
 206. Prasanta Basak
 207. Sushil Sutradhar
 208. Bijit Ghosh
 209. Jayanta Ghosh (II)
 210. Ujananda Medok
 211. Gautam Paul
 212. Namita Das(Nath)
 213. Swarkhisar Basumatari
 214. Bidyut Kumar Deb
 215. Phanin Bramha
 216. Subhas Podar
 217. Himangshu Dey
 218. Tapan Chandra Deka
 219. Dayal Singh Basumatary
 220. Kartik Kr. Aich
 221. Pranjal Pratim Sarma
 222. Ranu Deka
 223. Mahendra Nath Deka
 224. Jugal Kishore Tamuly
 225. Kushal Goon
 226. Piyalee Chakrabarty
 227. Bibhas Rn Das
 228. Ramesh Kr. Singh
 229. Ravi Sewa
 230. Debojit Dutta Baruah
 231. Mahua Dutta Sarkar
 232. Manju Sonowal
 233. Sudhir Ranjan Paul
 234. Soumitra Bhattacharjee
 235. Gopa Das
 236. Argha Ram Boro
 237. Pradip Saha
 238. Shyamal Kanti Roy
 239. Rupak Mahanta
 240. Rupak Mazumdar
 241. Biren Borah
 242. Jayanta Kr. Das
 243. Bijoy Chandra Hazarika
 244. Jadab Chandra Pathak
 245. Jyotish Sarma
 246. Ratnajit Choudhury
 247. Debashish Nag

- 248. Ajoy Paul ✓
- 249. Arup Kr. Dhar
- 250. Kiran Limbu ✓
- 251. Arup Kumar Sharma
- 252. Khagen Saikia
- 253. Naresh Chetri
- 254. Parimal Basak
- 255. Subrata Dutta
- 256. Rajumoni Baurah
- 257. Bijon Sinha
- 258. Taraknath Basu ✓
- 259. Rajib Dhar Choudhury ✓
- 260. Gauranga Ch. Das ✓

ALLOCATION OF AUDITORS (SANCTIONED STRENGTH : 61 ; PIP : 15)

S/Shri/Smti.

- 1. Madan Chandra Nath(II) (at p resent on deputation) ✓
- 2. SonaborDoley
- 3. Partha Pratim Bhadra
- 4. Pratik Kumar Nandy (at present on deputation)
- 5. Duggirala Annapurna
- 6. Sajal Chandra Dey
- 7. Atanu Chakrabarty (at present on deputation)
- 8. K. Shyam Kumar
- 9. K. Amar Babu (at present on deputation) ✓
- 10. P. Sridhar Rao
- 11. Seisat Lhouvum
- 12. Md. Hamidur Rahaman
- 13. Md. Islamuddin
- 14. Jahidur Rahaman
- 15. Deepika Haloi
- 16. Mangsatabam Rajeswar Meetei
- 17. Rita Mishra (at present on deputation) ✓
- 18. Surajit Das
- 19. Dilip Kumar Mazumdar
- 20. Sanjiv Kumar Sah

ALLOCATION OF CLERKS/TYPISTS (SANCTIONED STRENGTH : 38 ; PIP : 08)

S/Shri/Smti.

- 1. Ajit Chanda
- 2. Indreswar Dutta ✓
- 3. Anirban Dutta ✓
- 4. Rabindra Prasad Singh
- 5. Rashendra Das
- 6. Gautami Das ✓
- 7. Srijoni Raha Roy
- 8. Rabin Ch. Boro

ALLOCATION OF STENOGRAPHER GRADE-I & II

- S/Shri/Smti
1. Tapan Kr. Chakrabarty, Stenographer Grade-I

ALLOCATION OF STAFF CAR DRIVER

- S/Shri/Smti
1. Amal Narzary

ALLOCATION OF SR. HINDI TRNSLATOR

- NIL -

ALLOCATION OF S.G.RECORD KEEPER

- S/Shri/Smti
1. Shri Gokul Chandra Basumatari
2. Shri Ramesh Ch. Das
3. Chandra Kanta Das

ALLOCATION OF RECORD KEEPER

- S/Shri/Smti
1. Shri Netra Bahadur
2. Shri Nagen Chandra Hazarika
3. Shri Dinesh Ch. Dehingia

ALLOCATION OF DUFTRIES

- S/Shri/Smti
1. Pratap Chandra Kalita
2. Dilip Kumar Kalita
3. Shri Amar Nath Roy
4. Shri Kheti Bhusan Dalu

ALLOCATION OF PEON

- S/Shri/Smti
1. Ghana Kanta Kachari
2. Gojen Chandra Boro
3. Madanlal Balmiki
4. Dharanidhar Das
5. Tarun Kr. Nath
6. Suraj Deo Shah
7. Dhanesh Barman
8. Tapan Chandra Kalita
9. Pani Ram Basumatary
10. Durgeswar Dutta
11. Krishna Prasad Sharma
12. Bharat Chandra Sarma
13. Faban Das

ALLOCATION OF CHOWKIDARS

- S/Shri/Smti
1. Surendra Roy
2. Golok Chandra Baishya
3. Sunil Kalita

ALLOCATION OF SAFAIWALAS

- S/Shri/Smti
1. Shri Mahesh Balmiki
2. Shri Suresh Balmiki

ANNEXURE-II

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), MEGHALAYA, SHILLONG

ALLOCATION OF SENIOR AUDITORS (SANCTIONED STRENGTH: 75, R.P.F. 62)

S/Shri/Smti.

1. Richard B. Rynjah
2. Hiranmoy Sen
3. Utpalendu Chanda
4. Amriteswar Saikia
5. Shyamal Kr. Bhattacharjee (II)
6. Delhi Grace Nongpluh
7. Nirendra Kumar Chakrabarty
8. Dayaram Joshi
9. Ashutosh Choudhury
10. Nripendra Kr. Dey
11. Nirmalendu Bhattacharjee
12. Marchall Singh Nongsteng
13. Ushanta Kumar Das
14. Mashque Ahmed
15. Hillol Sekhar Gupta
16. Jogendra Ch. Das (II)
17. Ajoy Kr. Das (II)
18. Anup Kumar Gupta Choudhury
19. Darnell Majaw
20. Prabir Chakrabarty
21. Sudhir Chandra Das
22. Marmaduke Roy Lyngwa
23. Redskilton Nongkynrih
24. Mihir Kumar Chaki
25. Ranendra Das
26. Phresto Niangti
27. Anitya Kr. Suklabaidya
28. Jagadish Chandra Boral
29. Parimal Chakrabarty
30. Dhiren Sonowal
31. Jugal Hazarika
32. John Wallong
33. Spomen Thangkhiew
34. Sanjit Kumar Choudhury
35. Suranjan Choudhury
36. Dipak Kumar Bhattacharjee
37. Akon Chandra Saikia
38. Lorendro Lyngkhoi
39. Sashi Mohan Roy
40. Nitya Gopal Karmakar
41. Luis K. Pyngrope
42. Rabindra Nath Biswas
43. Sanjit Purkayastha
44. Sujit Kumar Nag
45. Anupam Biswas
46. Plistina Sohtun
47. Ricky Myrten
48. Bijon Kanti Roy
49. Kroshek D. Khiewtam
50. Debasish Baneerjee
51. Venetia Dolly Mawei
52. Anthony L. Thawbroi
53. Ravindra Singh
54. Arlessibon Rmnong
55. Abhijit Das Gupta

46

56. Ngurremmawi
57. Neelotpal Dutta Choudhury
58. Sunesh Manik Syiem
59. Raymond V. Kharkongor
60. Charles Dickson Syiemlieh
61. Wanaibon Resaw
62. Yuribell Roy
63. Sandipan Choudhury (at present on deputation as Welfare Assistant, opted for Meghalaya, 1st preference for deputation is Arunachal Pradesh)
64. Omana Madhusudhanan (Opted for Meghalaya, at present on deputation)
65. Ruhikanta Khomdram (at present on deputation, opted for Meghalaya)
66. Arindom Chatterjee (at present on deputation, opted for Meghalaya)

ALLOCATION OF AUDITORS (S/S:18 PIP:5)

S/Shri/Smti.

1. Miriam Sylph Kharbyngngar
2. Kliptos Shabong
3. Lobestar Wankhar
4. Mehboob Kharkongor
5. Lalmunhualli Thiete

ALLOCATION OF CLERKS/TYPISTS (SANCTIONED STRENGTH : 11 PIP : 02))

S/Shri/Smti

1. Bikash Kumar Thapa
2. Ibanylla Rynjah

ALLOCATION OF STENOGRAPHER GRADE-I & II

S/Shri/Smti

1. Sudip Kr. Das, Stenographer Grade-II

ALLOCATION OF STAFF CAR DRIVER

1. Shri Dilip Kumar Khanal

ALLOCATION OF SR. HINDI TRNSLATOR

1. Shri Lam Kholun Simte

ALLOCATION OF S.G.RECORD KEEPER

-- NIL --

ALLOCATION OF RECORD KEEPER

S/Shri/Smti

1. Chetman Pradhan
2. Yogendra Prasad Singh

ANNEXURE-III

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), ARUNACHAL PRADESH, ITANAGAR

ALLOCATION OF SENIOR AUDITORS (SANCTIONED STRENGTH : 56 ; PIP : 46)

- S/Shri/Smti.
1. Subrata Sen
 2. Bhuban Ch. Bania
 3. Stowell Manick Nongsiej
 4. Ranendra Kumar Bhattacharjee
 5. Slad Singh Nongkhlaw
 6. Dipendra Kumar Raha
 7. Pranesh Ranjan Chanda
 8. Dwipesh Ranjan Nandy
 9. Prabir Kumar Paul
 10. Poranesh Chanda
 11. Amrita Bhattacharjee

ALLOCATION OF AUDITORS (S/S :14 PIP:4)

-- NIL --

ALLOCATION OF CLERKS/TYPISTS (SANCTIONED STRENGTH:9 PIP:02))

-- NIL --

ALLOCATION OF STENOGRAPHER GRADE-I & II

-- NIL --

ALLOCATION OF STAFF CAR DRIVER

-- NIL --

ALLOCATION OF SR. HINDI TRNSLATOR

-- NIL --

ALLOCATION OF S.G.RECORD KEEPER

-- NIL --

ALLOCATION OF RECORD KEEPER

-- NIL --

ALLOCATION OF DUFFRIES

-- NIL --

ALLOCATION OF SENIOR PEON

-- NIL --

ALLOCATION OF PEON

-- NIL --

ALLOCATION OF CHOWKIDARS

-- NIL --

ALLOCATION OF WATERMAN

-- NIL --

ALLOCATION OF SAFAIWALAS

-- NIL --

ANNEXURE-IV

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), MIZORAM, AIZAWL

ALLOCATION OF SENIOR AUDITORS (SANCTIONED STRENGTH : 44 PIP : 36)

- S/Shri/Smti.
1. R.K.Thathanga
2. Razia Babi Gatphoh

ALLOCATION OF AUDITORS (S/S:10 PIP:2)

- S/Shri/Smti.
1. Hauzel Hauzakhum

ALLOCATION OF CLERKS/TYPISTS (SANCTIONED STRENGTH:7 PIP:01))

-- NIL --

ALLOCATION OF STENOGRAPHER GRADE-I & II

-- NIL --

ALLOCATION OF STAFF CAR DRIVER

-- NIL --

ALLOCATION OF SR. HINDI TRNSLATOR

-- NIL --

ALLOCATION OF S.G.RECORD KEEPER

-- NIL --

ALLOCATION OF RECORD KEEPER

-- NIL --

ALLOCATION OF DUFTRIES

-- NIL --

ALLOCATION OF SENIOR PEON

-- NIL --

ALLOCATION OF PEON

-- NIL --

ALLOCATION OF CHOWKIDARS

-- NIL --

ALLOCATION OF WATERMAN

-- NIL --

ALLOCATION OF SAFAIWALAS

-- NIL --

- 36 -

ANNEXURE-V

31

The following officials are placed on deputation to the office of the Accountant General (Audit), Arunachal Pradesh, Itanagar on the basis of option exercised by them :

SR. AUDITORS:-

S/Shri/Smti.

1. Caius D'souza Lungdoh (opted for Meghalaya, placed as per 2nd preference)
2. Iadamon Wanswett (.....do.....)
3. Ioophica Raplang (.....do.....)
4. Helen Diengdoh (opted for Meghalaya, placed as per 2nd preference)
5. Padam Lal Sunar (opted for Meghalaya, placed as per 2nd preference)
6. Dlessina Diengdoh (opted for Meghalaya, placed as per 2nd preference)
7. Rabin Kumar Ruchal (opted for Meghalaya, placed as per 1st preference)
8. Khmihlynti Mawiong (opted for Meghalaya, placed as per 2nd preference)
9. Uttam Thapa (opted for Meghalaya, placed as per 1st preference)
10. Krishna Pradhan (opted for Meghalaya, placed as per 1st preference)
11. Sanjay Suklabaidya (opted for Meghalaya, placed as per 1st preference)
12. Bari Kupa Thangkhiw (opted for Meghalaya, placed as per 2nd preference)
13. Manoj Khanduri (opted for Meghalaya, placed as per 1st preference)
14. Jenny Dingdoh (opted for Meghalaya, placed as per 2nd preference)
15. Hazell Sawian (opted for Meghalaya, placed as per 1st preference)
16. Sandalyne Khongwir (opted for Meghalaya, placed as per 1st preference)
17. Panora Nongsiej (opted for Meghalaya, placed as per 1st preference)
18. Phailin Thangkhiw (opted for Meghalaya, placed as per 1st preference)
19. Bijoy Chetri (opted for Meghalaya, placed as per 1st preference)
20. Ribiwla Kharmawphlang (opted for Meghalaya, placed as per 1st preference)
21. Kamalesh Chakrabarty (opted for Meghalaya, placed as per 1st preference)
22. Persara Mary Nongbri (opted for Meghalaya, placed as per 1st preference)
23. Virginia Pyngrope (opted for Meghalaya, placed as per 1st preference)
24. Individual Talang (opted for Meghalaya, placed as per 1st preference)
25. Gordon Mark S. Rynjah (.....do.....)
26. Hunlinmon Ajar Tongper (.....do.....)
27. Aquarus Mathew (.....do.....)
28. Cherryline Lyngdoh (.....do.....)
29. Amita Dingdoh (.....do.....)
30. Lisamai Syiem (.....do.....)
31. Altafani Lyngwa (.....do.....)
32. Naina Kamal Gurung (.....do.....)
33. Til Bahadur Chetri (.....do.....)
34. Deepraj Limbu (.....do.....)
35. Minakshi Purkayastha (.....do.....)

AUDITORS:-

S/Shri/Smti.

1. Shiuli Das (opted for Meghalaya)
2. Daphira Kharbangar (.....do.....)
3. Barindra Lal Bose (opted for Assam)
4. Bivash Ch. Mandal (opted for Assam)

CLERKS/TYPISTS:-

S/Shri/Smti

1. Malook Singh (opted for Meghalaya)
2. Puspita Deshmukhya (opted for Meghalaya)

STENOGRAPHER GRADE-I & II

S/Shri/Smti

1. Provangshu Dutta Roy (opted for Assam, not covered by option, placed on deputation)

RECORD KEEPERS

S/Shri/Smti

1. Govinda Sharma (opted for Meghalaya, placed as per 1st preference)
2. Gore Bahadur Chetri (opted for Assam, placed as per 1st preference)

ANNEXURE-VI

The following officials are placed on deputation to the office of the Accountant General (Audit), Mizoram, Aizawl on the basis of option exercised by them :

SR. AUDITORS:-

S/Shri/Smti.

1. Gita Dhar (opted for Meghalaya, placed as per 3rd preference)
2. Ranjit Barua (opted for Meghalaya, placed as per 3rd preference)
3. Medalin Sohtun (opted for Meghalaya, placed as per 3rd option)
4. Namarbahun Marwein (opted for Meghalaya, placed as per 3rd preference)
5. Moreen Kharmudai (.....do.....)
6. Nalibon Wanshnong (.....do.....)
7. Jeannita Warjri (.....do.....)
8. Rajesh Kamal Rajput (.....do.....)
9. Baiar Kupa Lyngdoh Thabah (.....do.....)
10. Euphrasie Nongkynrih (.....do.....)
11. Khainbor Warjri (opted for Meghalaya but not covered by option/preference)
12. Yurinia Kharumnuid (.....do.....)
13. Rishottre Pyrbot (opted for Meghalaya, placed as per 3rd preference)
14. Ricky Pyngrope (.....do.....)
15. Camelia Sahtun (.....do.....)
16. Marius Swer (.....do.....)
17. Harilal Panthi (not covered by option)
18. Edmund Kharkongor (opted for Meghalaya, placed as per 3rd preference)
19. Eusebio Lyngdoh (.....do.....)
20. Kyrshanborlang Ranee (.....do.....)
21. Jesper Khongsdam (.....do.....)
22. Suraj Kumar Thapa (.....do.....)
23. Merinda Kharkongor (.....do.....)
24. Stalyneda Kharbuki (.....do.....)
25. Ranjit Gogoi (opted for Assam, not covered by option)
26. Ratna Joardar (opted for Assam, not covered by option.)
27. P.V.K. Naaga Polaiah (.....do.....)
28. T. John Wilson (opted for Assam, placed as per 3rd preference)
29. Binoy kr. Das (.....do.....)
30. Malina Acharjee (.....do.....)
31. Snehashis Roy (.....do.....)
32. Baniaphira Manik Syiem (opted for Meghalaya, placed as per 3rd preference)
33. Saban Kumar (Opted for Meghalaya but not covered by option)
34. Allwinson Dhar (.....do.....)

AUDITORS:-

S/Shri/Smti

1. Seimang Touthang (opted for Meghalaya)

CLERKS/TYPISTS

S/Shri/Smti

1. Sujeet Kumar Das (opted for Meghalaya)

RECORD KEEPER

S/Shri/Smti

1. Shri Joshua Luke Ranee (opted for Meghalaya, placed as per 3rd preference)



- 38 -

ANNEXURE

कार्यालय, प्रधान महालेखाकार (लेखा परीक्षा), असम

OFFICE OF THE
PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM

No. Estt./Audit/1-81/CS/2005-06/762

Dated 13.06.2006

To

The Deputy Accountant General (Admn.)
O/o the Pr. Accountant General (Audit), Meghalaya etc.,
Shillong.

Subject: Separation of Group 'C' and 'D' cadres.

Sir,

With reference to your endorsement No. Estt./Audit/12-31/2006-07/963-64 dated 09.06.2006 regarding separation of Common Group 'C' & 'D' cadre of the Office of the Principal Accountant General (Audit), Assam, and Principal Accountant General (Audit), Meghalaya, Arunachal Pradesh and Mizoram I am to inform you that the steps are being taken to release the officials of this office who have been placed on deputation.

As per policy for common Group 'C' & 'D' cadre the junior most persons in the concerned cadre in excess of required strength will be allocated to the deficit office till they are accommodated to the office of their choice against the subsequent vacancies as per required strength. It is presumed that officials placed on deputation will be repatriated immediately as when vacancies arise in their office of choice irrespective of whether suitable substitute is available/created in the borrowing (deficit) office. This confirmation is required so as to avoid any possible litigation that may arise in future.

Release orders for these officials will be issued after receipt of the clarification.

This issues with the approval of Pr. Accountant General.

Yours faithfully,

[Signature]
Dy. Accountant General (Admn.)

बेलतला, गुवाहाटी/Beltola, Guwahati-781029
दूरभाष/Phone: 0361-2301873, 2301291, 2300665, Fax-0361-2300817
E-Mail: agauAssam@cag.gov.in

Certified to be true Copy

[Signature]

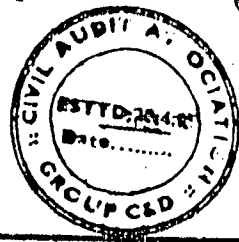
Rakhee Sirauthia Chowdhary
ADVOCATE



CIVIL AUDIT ASSOCIATION

(Gr.-C & D)

Recognised by the Government of India
(Affiliated to the National Audit Association, Swatior)
Office of the Pr. Accountant General (Audit), Assam
Guwahati-781029



No. CAA/Gr.-C & D/AU/2005-06/57

Date: 12-6-2006

To: The Principal Accountant General (Audit), Assam,
Guwahati - 29

Sub: Representation for not releasing Group - C & D officials
on deputation to other offices vis-à-vis out of
cadre separation.

Sir,

I have the honour to request you that the officials
named below placed on deputation to other offices vis-à-vis
out of cadre separation may kindly not be released from
this office, as the Principal Accountant General (Audit), Assam,
Guwahati-29, since our earlier representation vide
Letter No CAA/Gr.-C & D/AU/05-06/62 dated 06.4.2006 regarding
non-dilection of officials from this office as the demand
for separation of cadre to be on the basis of the
existing sanctioned strength of Group - C & D has been
addressed and addressed.

That Sir, in this regard I would request you
to initiate necessary steps to review the matter as per
our demand mentioned in our earlier representation
addressed to Gr.-C & D of India vide this Association's
Letter No CAA/Gr.-C & D/AU/05-06/62 dt. 06.4.2006.

Name of officials

- ① RAJIT GOGOI - Sr. Asst
- ② RATNA JORDAR - Sr. Asst
- ③ Mrs. MALINA ACHARGEI - Sr. Asst
- ④ BINAY KR DAS - Sr. Asst
- ⑤ SNEHASISH ROY - Sr. Asst
- ⑥ BIVASHI MONDAL - Asst
- ⑦ PRAVANGSHU DUTTA Roy - Stenographer

This is for favour of your needful
action please.
With regards.

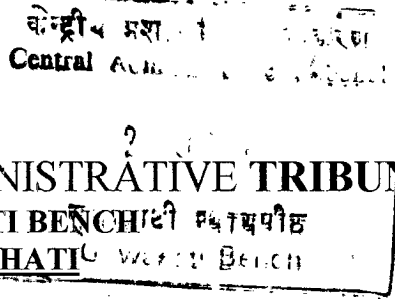
Yours faithfully,
(Signature)
(TAIZUDDIN AHMED)
General Secretary,

Civil Audit Association, Assam
(Gr.-C & D), Guwahati - 29.

Certified to be true copy

Rakhee Sirauthia Chowdhary
ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI



FILED BY
The Applicants
JHR/JS/JS

Mr. Rakesh Sinanthia Choudhary
Advocate
26/6/08

ORIGINAL APPLICATION NO. 155 of 2006

IN THE MATTER OF :

Original Application No. 155 of 2006

CIVIL AUDIT ASSOCIATION (Gr. 'C'
& 'D')

... Applicant

-Vs-

UNION OF INDIA & ORS.

... Respondents

-AND-

IN THE MATTER OF :

An Additional Affidavit filed on behalf of the Applicants in abundant caution under Rule 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987 and in pursuance of this Hon'ble Tribunal's Order dated 22.06.2006 bringing on record the names of the members of the Applicant Association who have been adversely affected by the impugned orders dated 09.06.2006 and 13.06.2006.

ADDITIONAL AFFIDAVIT

I Md. Taizuddin Ahmed, aged about 50 years, son of Late Rezeque Ali, resident of A.G. Quarter Complex, Quarter No. 86, Beharbari, Borsajai, Guwahati -

781029, presently holding the post of General Secretary, Civil Audit Association (Gr. 'C' & 'D'), Assam do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant No. 2 in the instant Original Application No. 155 of 2006. Being fully acquainted and well conversant with the facts and circumstances of the instant case, I am fully authorised to swear this affidavit on behalf of the Applicant No. 1.
2. That, the Applicant humbly submits that due to an inadvertent error, the members of the Applicant Association who have been adversely affected due to the impugned Orders dated 09.06.2006 and 13.06.2006 issued by the Respondent No. 1 and the Deputy Accountant General (Administration), Assam respectively, could not be impleaded/added as party Applicants to the Original Application No. 155 of 2006.
3. That, the Applicant humbly states that due to such bonafide and genuine error gross injustice would be caused to the persons concerned if they are not brought on record and/or if their names are not impleaded and/or added as party Applicants to the said Original Application. As such, the Deponent has filed this instant affidavit to bring on record such members of the Applicant No. 1 who have been adversely affected by the impugned orders under challenge in the Original Application. They are :-

1.	Sri Bibash Chandra Mandal	...	Auditor
2.	Sri Provangshu Dutta Roy	...	Stenographer
3.	Sri Ranjit Gogoi	...	Sr. Auditor
4.	Sri Ratna Joardar	...	Sr. Auditor
5.	Sri Binoy Kr. Das	...	Sr. Auditor
6.	Smti. Malina Acharjee	...	Sr. Auditor
7.	Sri Snehashis Roy	...	Sr. Auditor

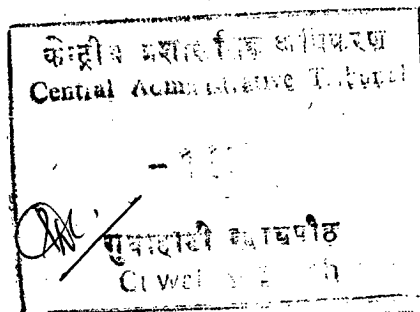
4. That, the Deponent humbly states that in view of the Order dated 22.06.2006 passed by this Hon'ble Tribunal and further considering the provisions of Rule 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987, the Deponent deems it pertinent and essential to file this Additional Affidavit to bring on record the aforesaid seven (7) members of the Applicant Association as party Applicants to the proceedings of the Original Application No. 155 of 2006.
5. That, the instant Additional Affidavit has been filed bonafide and in the interest of justice.
6. That, the statements made in this paragraph and in paragraphs 1, 2, 3, 4 (partly) and 5 are true to my knowledge and those made in paragraph 4 (partly) being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this 26th day of June, 2006 at Guwahati.

Identified by me :

Rakhee Sinanthia Choudhury
Advocate

Taizuddin Ahmed.
General secretary,
Civil Audit Association, Assam
(Gr-C & D), Guwahati - 29.
DEPONENT



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. NO.155 OF 2006

Civil Audit Association

...Applicants

-Versus-

Union of India & Ors.

....Respondents

The written statements on behalf of
the Respondents.

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraphs 1 of the instant application the answering Respondents beg to state that the Comptroller and Auditor General of India has decided to separate the common Group "C" and "D" cadres of the office of the Pr. A.G. (Audit), Meghalaya, Arunachal Pradesh and Mizoram, Shillong and O/O the Pr. A.G. (Audit), Assam, Guwahati, AG (Audit), Assam, Guwahati into the offices of the Pr. A.G. (Audit) Meghalaya, Shillong, Pr. AG (Audit), Guwahati AG (Audit), Arunachal Pradesh, Itanagar and AG (Audit), Mizoram, Aizwal. Pursuant to the above options were called for from the Group "C" and "D" officials of the aforesaid two offices. The officials of both the offices

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Filed by

एच. महालेखाकार (आई. सी. एण्ड ए)
Deputy Accountant General (I.C. & Admn)
महालेखाकार (लेखा परीक्षा) का कार्यालय
Office of the Accountant General (Audit)
असम, बेलतला, गुवाहाटी-28.
Assam, Beltola, Guwahati-28.

Through Gubernment Sec Class

have exercised their for their final allocation to a particular office and also indicated their preference, if any, for posting to another office on deputation till they are allocated to their office of choice. The Office of the Pr. A.G. (Audit), Assam, Guwahati was informed vide letter dated 26.6.2006 that the persons sent on deputation to the deficit offices will be repatriated to their parent office as and when vacancy arise in their parent office. There should, however, be no objection to retain such persons with their consent for some more period in deficit offices. In view of the aforesaid information, there appears to be no illegality and arbitrariness in the orders passed by this office. The applicants have also submitted that several employees working as Senior Auditors/Auditors/Stenographers have been displaced and deputed to Aizwal (Mizoram) and/or Itanagar (Arunachal Pradesh) Instead only 01 Stenographer 05 Senior Auditors and 01 Auditor of the Pr. A.G. (Audit), Assam, Guwahati were placed on deputation to the offices of the Accountant General, Arunachal Pradesh and Mizoram. The aforesaid two offices though created with effect from 01.04.2006, are still functioning from Shillong. In this year and upto 31.01.2007, Shri Subhash Ch. Sarkar, Sudhangshu Rn Dhar, Mahendra Nath Baishya, Sarat Ch. Choudhury, Jiban Ch. Dutta, Anil Baruah and Dharmeswar Das, Senior Auditors will be retiring from service. Thus all the 5 Senior Auditors who are placed on deputation to other offices will be

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repatriated to the office of the Pr Accountant General (Audit), Assam, Guwahati.

2. That with regard to the statement made in paragraphs 2 and 3 of the instant application the answering Respondents have no comment.

3④ That with regard to the statement made in paragraph 4.1 of the instant application the answering Respondents beg to state that none of the aggrieved persons are parties in this case. In terms of Rule 4(v)(b) of the CAT provision Rules minimum one aggrieved person must be a party to any of the court case. Thus the Civil Audit Association as well as respondent No.2, General Secretary, Civil Audit Association, Office of the Pr. Accountant General (Audit), Assam, Guwahati has no lawful authority to file the application before the Hon'ble Tribunal.

4. That with regard to the statement made in paragraph 4.2 of the instant application the answering Respondents beg to state that the office of the Accountant General (Audit), Assam, Guwahati was created with effect from 2.7.1997 with its headquarter in Guwahati. The official who were then working in the branch office at Guwahati were posted in that office. Besides that, some more officers and officials who were then working in Shillong has exercised their preference for posting.

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to the newly created Guwahati office and were accordingly posted. It is not correct to state that these officers and officials of Shillong office exercised any option for their transfer to Guwahati at that point of time. It is also ^{not} correct to state that only the office of the Pr. Accountant General (Audit), Meghalaya, Shillong, is auditing Mizoram and Arunachal Pradesh because the Central Revenue portion of the audit work of these two states is being looked after by the office of the Pr. Accountant General/ Accountant General (Audit), Assam, Guwahati.

5. That as regard to the statement made in paragraph 4.3 of the instant application the answering Respondents beg to state that this being matter of record, as such no comments. The decision to set up new offices at Arunachal Pradesh and Mizoram is ~~not~~ one of policy necessitated by the requirements of the [administration.] *States.*

6. That with regard to the statement made in paragraph 4.4, 4.5 and 4.6 of the instant application the answering Respondents beg to state that those are matter of records, hence no comments.

7. That with regard to the statement made in paragraph 4.7 of the instant application the answering Respondents beg to state that the 7 officials who opted

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for the state of Assam were placed on deputation to other ~~district~~ ^{deficit} offices as they could not be accommodated on the basis of seniority cum option in the place of their choice. Such officials would be posted back to the office of their ~~office~~ ^{choice} as and when a vacancy arises in such office.

8. That with regard to the statement made in paragraph 4.8 of the instant application are matter of records hence the answering Respondents beg to offer no comments.

9. That with regard to the statement made in paragraph 4.9 of the instant application the answering Respondents beg to state that in response to the representation of the Association dated 19.6.2006, the Principal Accountant General had called for a meeting with the Association on 23.6.2006. But as the Secretary of the Association expressed his inability to attend the meeting on 23.6.2006, the meeting was re-scheduled to be held on 26.6.06 at 11.00 AM. But in the meantime the Association has filed a case in the CAT, Guwahati Bench without waiting for the outcome of the meeting.

10. That with regard to the statement made in paragraph 4.10 of the instant application the answering Respondents beg to state that the Department has taken a conscious decision not to go in for any fresh ~~require~~ ^{recruitment}

~~ment~~ in tune with the economy instructions issued by Government of India. Accordingly the sanctioned strength of cadre has lost all its significance and presently the Department is adopting "Required strengths" as the basis in ^{man}Power Management. Accordingly policy decision was taken to man the four offices of the Pr. Accountant General (Audit), Assam, Guwahati, Pr. Accountant General (Audit), Meghalaya, Shillong, Accountant General, Arunachal Pradesh and Accountant General, Mizoram, Aizawl by the existing man power available in the offices of the Pr. Accountant General (Audit) Meghalaya etc., Shillong.

This ~~the~~ policy decision has not violated any Rules and orders in existence and as such existence of clear vacancy in these offices do not confer any right to the officials of Guwahati office to stay in Guwahati

11. That with regard to the statement made in paragraph 5.1 of the instant application the answering Respondents beg to state that the permanent allocation/ placement on deputation were made on the basis of seniority cum option and also on the basis of apportioned person in position. Thus the existence of vacancies in Guwahati office has nothing to do with the permanent allocation/deputation of staff.

12. That with regard to the statement made in paragraph 5.2 of the instant application the answering

, Contd...P/-

Respondents beg to state that out of 7 affected officials, 4 officials listed below had been appointed and posted in the office of the Accountant General (Audit), Assam, Guwahati at the time of their initial appointment. As a result, question of another transfer/deputation does not arise, in respect of these officials and contention of unwarranted financial hardship is quite unjustified.

Sl. No.	Name	Designation	Appointed as	Date of Appointment
---------	------	-------------	--------------	---------------------

1.	Shri Bivash Ch Mandal	Auditor	Clerk/typist	10.9.2002
2.	Shri Ranjit Gogoi	Sr. Auditor	Clerk/typist	30.9.1994
3.	Smt Ratna Joardar	Sr. Auditor	Clerk/typist	21.9.1998
4.	Smt Malina Acharjee	Sr. Auditor	Auditor	12.9.2003

13. That with regard to the statement made in paragraph 5.3 of the instant application the answering Respondents beg to state that 7 officials have been placed on deputation as there was no vacancy for them with reference to the apportioned person. In position in the first place of their choice. There is no arbitrariness or malafide in their placement on deputation. As already stated, a consensus decision were taken to run all the four offices on the basis of person In Position of the existing ~~14~~ offices and not with reference to the sanctioned strength.

Contd...P/-

14. That with regard to the statement made in paragraph 5.4 of the instant application the answering Respondents beg to state that it would be evident from above that the decision to quadripartite the existing two offices were made in the best interest of public service especially for the people of the states of Mizoram and Arunachal Pradesh and there is no question of violating the provisions of Article 14, 16 and 21 of the Constitution.

15. That with regard to the statement made in paragraph 5.5 of the instant application the answering Respondents beg to state that the representation was submitted after the last date for exercise of option. The representation was submitted to the Pr. Accountant General (Audit), Assam, Guwahati by the Association of Group "C" and "D" cadre on 12.04.06 whereas the last date for submission of option was 7.4.06. Thus, it is apparent that options were submitted by the concerned officials within the stipulated date without any kind of representation/grievances. The said representation was forwarded to the office of the Comptroller and Auditor General of India on 13.4.2006 under this office letter No. Esst-I/Audit/I-81/CS/2005-06/106 dated 13.4.2006 by Courier Service.

16. That with regard to the statement made in paragraph 5.6 of the instant application the answering Respondents beg to state that as already stated in the foregoing paragraphs the existence of clear vacancies has nothing to do with the present separation. The decision to open two more offices in the states of Arunachal Pradesh and Mizoram was taken in the best interest of the people of the two states. The policy decision to man all the four states of Assam, Meghalaya, Arunachal Pradesh and Mizoram on the basis of apportioned Person In Position of the offices of the Pr. Accountant General (Audit), Assam, Guwahati, Pr. Accountant General (Audit), Meghalaya etc. Shillong was a decision of the office of the Comptroller and Auditor General of India without any malice.

17. That with regard to the statement made in paragraph 5.7 of the instant application the answering Respondents beg to state that the application was made only to stall the process of separation in Group "C" and "D" posts.

18. That with regard to the statement made in paragraph ⁶~~5.8~~ of the instant application the answering Respondents beg to state that in view of the submission made in the foregoing paragraphs, the applicants have no reason to be aggrieved and it is a frivolous application made only to stall the separation of Group "C" & "D" cadres.

19. That with regard to the statement made in paragraph 7 of the instant application the answering Respondents beg to offer no comment.

20. That with regard to the statement made in paragraph 8.1 of the instant application the answering Respondents beg to state that in the foregoing paragraphs, the application has been made without any lawful authority and hence the same is liable to be dismissed.

21. That with regard to the statement made in paragraph 8.2 of the instant application the answering Respondents beg to state that it is well settled in law that the formulation of policy is a function of the Government and cannot be interfered with by the Tribunal unless there is arbitrariness. It is within the competence of the executive to change a policy, recharge it adjust it and ^{re adjust it} according to the compulsions of circumstances. Consequent upon the creation of two more offices of the Accountant General, the persons in position of the Pr. Accountant General (Audit), Assam, Guwahati, Pr. Accountant General (Audit), Meghalaya etc. Shillong were permanently allocated/posted on deputation with respect to their seniority cum option with all fairness and as such there is no merit in the application and hence the application is liable to be dismissed.

22. That with regard to the statement made in paragraph 8.3 to 8.5 and 9 of the instant application the answering Respondents beg to state that in view of the facts and circumstances mentioned above the applicants are not entitled to any relief or interim relief as prayed for and the application is liable to be dismissed.

VERIFICATION

I, ... Dekshina Thakur d/o P. Barua
 aged about 35 years, R/o ... Beltola, ... Guwahati
 District Kamrup and competent officer of the
 answering respondents, do hereby verify that the state-
 ment made in paras 1 to 22 are true
 to my knowledge and those made in paras _____
 being matters of record are true to my information
 derived therefrom which I believe to be true and the
 rests are my humble submission before this Hon'ble
 Tribunal.

And I sign this verification on this 24th day
 of August, 2006 at Guwahati.

Shak
 Deputy Accountant General (I.C. & Admn)
 महालेखा कर विभाग परीक्षक का कार्यालय
 Office of the Accountant General (Audit)
 असम बेल्टोला गुवाहाटी-२८
 Assam, Beltola, Guwahati-28.

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

Original Application No. 155/2006

Filed By: The Applicant's THROUGH: Mr. R. S. Chowdhury Advocate 18/7/08

IN THE MATTER OF:

Original Application No. 155/2006

Civil Audit Association

... Applicant

-Versus-

Union of India & Ors.

... Respondents

-A N D-

IN THE MATTER OF:

An Affidavit-in-Reply/Rejoinder filed on
behalf of the Applicant Association against
the Written Statement filed by the
Respondents.

AFFIDAVIT – IN – REPLY/REJOINDER

I, Shri Tazuddin Ahmed, son of late Rezaque Ali, aged about 50 years, resident of A.G. Quarter Complex, Quarter No. 86, Behabari, Guwahati – 781029, presently holding the post of General Secretary, Civil Audit Association (Group 'C' & 'D'), Assam office of the Accountant General (Audit), Assam, Maidamgaon, Guwahati in the district of Kamrup, Assam do hereby solemnly affirm and state as follows :-

1. That, I have been served with a copy of the Misc. Petition filed on behalf of the Accountant General (Audit), Assam Office through my Counsel. I have gone through the same and understood the contents thereof. Being the General Secretary of the Association, I am duly authorised to swear this

Tazuddin Ahmed

affidavit on behalf of the 7 (seven) members of the Association who have been adversely affected by the impugned Order dated 09.06.2006 and 13.06.2006 which are under challenge in the aforesaid Original Application No. 155/2006.

2. That, save and except the statements made in the Written Statement which have been specifically admitted herein below, the rest shall be deemed to have been denied by the answering Respondents.
3. That, with regard to the statements made in paragraph 1 of the Written Statement, the answering Respondents state that the Applicants are aggrieved by the fact that although they had opted for Assam, while options were being asked for, they are being deputed to Mizoram and Arunachal Pradesh without their consent. The answering Respondents humbly state that deputation, as is a well established principle of law, is a tripartite agreement wherein consent of the incumbent, who is sought to be sent on deputation, is essentially required to be taken. As such, the same not having been done in the instant case, the said orders dated 09.06.2006 and 13.06.2006 are liable to be set aside on this count alone. Further, the answering Respondents state that deputing them for a period of only 5 or 6 months would not only cause undue hardships to the answering Respondents, but would also cause havoc in their personal lives with regard to the education etc. of their children. In that view of the matter, this Hon'ble Tribunal may be pleased to intervene into the matter and accordingly grant appropriate relief to the Applicants/answering Respondents.
4. That, with regard to the statements made in paragraph 2 of the Written Statement, the Deponent has no comments to offer.
5. That, the statements made in paragraph 3 of the Written Statement are denied by the answering Respondents and it is stated that this Hon'ble Tribunal, after considering all aspects of the matter and having due regard to Rule-4(5)(b) of the Central Administrative Tribunal Rules, was pleased to admit this application and pass the interim order dated 22.06.2006. Be it further stated that the Applicant No.2 had been duly authorized by the 7 (seven) members of

Taqiuddin Ahmed

the Association, who had been adversely affected by the impugned order dated 09.06.2006, to approach this Hon'ble Tribunal, since the Applicant No. 2/answering Respondent has been agitating their cause on behalf of the Applicant No. 1. It is further stated that vide Additional affidavit filed on 26.06.2006, the Applicant Association has brought on record the names of those adversely affected persons, who are members of the Applicant Association. This Hon'ble Tribunal vide Order dated 26.06.2006, as well as on hearing the parties, had been pleased to grant liberty to the Applicants to improve its pleadings and on such basis, the Additional affidavit has been filed. As such, the statements made contrary thereto in para-3 of the Written Statement shall be deemed to have been denied by the Deponent/Answering Respondents.

6. That, the statements made in paragraph 4 of the Written Statement being matters of record are not controverted by the answering Respondents to the extent they are borne out of such records. However, the statements made therein, are in no way relevant to the issues at hand.
7. That, with regard to the statements made in paragraphs 5 and 6 of the Written Statement, the Deponent has no comments to offer.
8. That, while categorically denying the statements made in paragraph 7 of the Written Statement, the answering Respondents reiterate the statements made in paragraph 4.10 of the Original Application and further state that vacancies are available at the Assam office to accommodate the Applicants and accordingly, the statements made contrary thereto are denied. Further, the offer so made by the Respondent Authorities of "posting them back to the office of their choice as and when a vacancy arises in such office" is not acceptable to the Applicants/answering Respondents in as much as the same would cause grave hardship to them in their personal as well as professional lives.

Taizuddin Ahmed

9. That, with regard to the statements made in paragraphs 8 and 9 of the Written Statement, the Deponent has no comments to offer.
10. That, while denying the statements made in paragraph 10 of the Written Statement, the Applicants/answering Respondents reiterate the statements made in Ground Nos. 5.3 and 5.4 of the Original Application, the answering Respondents categorically state that they have been discriminated against without any reasonable basis or justification and have not been given an equal opportunity in their employment, which clearly violates the provisions of Articles 14 and 16 of the Constitution of India, which are fundamental rights guaranteed to the Applicants/answering Respondents under the Constitution. As such, this Hon'ble Tribunal may be pleased to intervene into the matter and grant appropriate relief to the Applicants/answering Respondents.
11. That, while denying the statements made in paragraph 11 of the Written Statement, the answering Respondents state that "if the existence of vacancies in Guwahati office has nothing to do with permanent allocation/deputation of staff", the Respondent Authorities ought not to have called for options by way of Circular dated 23.03.2006. Having called for such option from the incumbents/employees, clearly indicates that the authorities were considering allocation of employees in different offices prior to separation of the common Group - 'C' & 'D' cadres. As such, the statements made contrary thereto are contrary to the instructions issued vide such Circular dated 23.03.2006.
12. That, while denying the statements made in paragraph 12 of the Written Statement, the answering Respondents state that even assuming, but not admitting that some of the Applicants had been appointed subsequent to the separation of the Assam office, the same does not discount the fact that the said officials will have to undergo severe financial hardship if posted in Arunachal Pradesh/Mizoram. Besides, as stated herein above, the said officials ought not to be sent on deputation without their consent, which is a well settled principle of service jurisprudence.

Taquddin Ahmed

13. That, while denying the statements made in paragraphs 13 and 14 of the Written Statement, the answering Respondents reiterate the statements made in paragraphs 5.3 and 5.4 of the Original Application as well as the statements made in paragraph 10 herein above.
14. That, while denying the statements made in paragraph 15 of the Written Statement, the answering Respondents state that it is not a fact that the Association had submitted a representation on 12.04.2006 to the Respondent authorities. In fact, the representation was submitted on 06.04.2006, the last date for submission of options. However, the same was forwarded to the Respondent No. 1 only on 13.04.2006. It is further stated that the members of the Applicant Association were under bonafide belief that they would be adjusted as per the option exercised by them. However, on subsequently coming to learn that the members of the Association might be sent to different offices, the Association immediately approached the authorities in order to work out modalities before issuing any such orders vide various other representations dated 19.04.2006, 25.05.2006 etc. As such, the statements made contrary thereto are categorically denied.
15. That, the statements made in paragraph 16 of the Written Statement are categorically denied by the answering Respondents and the answering Respondents humbly reiterate the statements made herein above.
16. That, with regard to the statements made in paragraphs 17 and 18 of the Written Statement, the answering Respondents categorically deny the same and state that the Applicants are entitled to be granted relief by this Hon'ble Tribunal in view of the foregoing statements as well as the statements made in the Original Application.
17. That, with regard to the statements made in paragraph 19 of the Written Statement, the Deponent/answering Respondents have no comments to offer.
18. That, while denying the statements made in paragraphs 20, 21, 22 and 23 of the Written Statement, the answering Respondents humbly state that they are

Taigaddin Ahmed

not averse/have not challenged the policy decision of the Government in so far as it relates to the separation of Group – 'C' & 'D' cadres to Mizoram and Arunachal Pradesh, but have, in fact, challenged the impugned actions of the Respondent authorities of not working out the modalities properly without first addressing the grievances of the Applicant Association and have also challenged the impugned actions of the Authorities of sending the 7 (seven) Applicants on deputation without their consent. As such, considering the fact that there has been a challenge to the impugned modalities worked out by the Respondent authorities by placing 7 (seven) members of the Applicant Association on deputation to Mizoram and Arunachal Pradesh, this Hon'ble Tribunal, in exercise of its jurisdiction, would be pleased to grant appropriate relief to the Applicants.

19. That, the statements made in this paragraph and in paragraphs 1 to 4, 5 (pt), 6 to 13, 14 (pt), 15 to 18 are true to my knowledge and those made in paragraphs 5 (partly), 14 (partly) being matters of record are true to my information derived therefrom, which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this the 18th day of September, 2006 at Guwahati.

Tarique Ahmed,

DEPONENT

Identified by me :

Advocate's Clerk.

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

O.A. No.155 of 2006

CIVIL AUDIT ASSOCIATION

- VERSUS -

UNION OF INDIA & ORS.

.....APPLICANT

.....RESPONENTS

Additional affidavit on behalf of
the respondents: -

ADDITIONAL AFFIDAVIT OF THE RESPONDENTS

I, Shri Mong Sahay son of G N SAHAY
aged about 40 years, resident of Beltola, Guwahati, in the
District of Kamrup, Assam, do hereby solemnly affirm
and state as follows -

1. That I am presently working a Senior Deputy Accountant General, in the Office of Accountant General, (Audits), Guwahati, Assam and am competent to swear this affidavit on behalf of the respondents as I am looking after the instant case and I am well conversant with the facts and circumstances of the case.
2. That the respondents beg to state that the aforesaid applicant filed the aforesaid original application before this Hon'ble Court challenging the impugned order dated 09-06-2006 to the extent to which it relates to the transfer / deputation of

Contd.../-

Filed by
the respondents
through Counsel-Binay
S. Choudhary

the members of the association in an illegal and arbitrary manner, despite clear vacancies being available as per the sanctioned strength.

3. That the respondents beg to state that the Association filed the aforesaid case expressing grievances for transfer of the seven members of their Association which clearly stated in paragraph 4.7 of the application. Out of the said seven applicants five applicants were already repatriated back to the office of Accountant General (Audit) Assam vide order dated 23-02-2007. The said officials are at serial No.4,5 and 8 to 10 of the said order dated 23-02-2007.

A copy of the said order dated 23-02-2007 is annexed herewith and marked as ANNEXURE - I.

- 6/11
4. That the respondents beg to state that the repatriate order of the said applicants were issued within eight months from the order of transfer dated 09-06-2006 clearly shows that the intension of the respondents is to accommodate all their employees including Group C and D cadre as per their option and in the process they will be accommodated within very short time. It is pertinent to mention here that Shri Bibhash Ch. Mandal will be accommodated soon and his order of repatriat is expected within a month. In the case of Pravanshu Dutta Ray the process has been initiated and cb he will be repatriated as per his option as and when the vacancy arise.

Contd.../-

5. That the respondents beg to submit that the scheme adopted and implemented by the respondents authorities is a fair and transparent one and there is no ingredients of arbitrariness, malafide, malice in law nor it is contradictory to any rules and there is absolutely no prejudice cause to the applicant for implementing the said scheme of separation of cadre.
6. That in view of the above it has become necessary to dispose the case as infructuous.
7. That this affidavit has been made bonafide and for the ends of justice.
8. That the statement made in this affidavit in paragraphs 1,2 are true to my knowledge and those made in paragraph 3,4 are being matter of information derives from record which I believe to be true and rest are my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 20th day of March 2007 at Guwahati.

Msahay
Sr. Deputy Accountant General (Admin.)
DEPONENT
Sr. Deputy Accountant General (Audit)
of The Pr. Accountant General
Assam, Guwahati-2929

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

O.O No. Estt.I/Audit/385

Dated: 23.02.2007

In pursuance of Office Order Nos. shown below against each name, the following officers/officials who were placed on deputation/transfer have been repatriated back to this office.

Sl. No	Name of the officer/official repatriated (Shri)	Designation	Vice (Shri)	O.O. No. of the O/o the Pr. A.G. (Au) Shillong under repatriation	O.O. No. O/o the A.G. Shillong under deputation/transfer
1	Sankar Lal Paul	Sr.A.O.	M.M. Kuria Kose (expired)	Estt-I/Audit/85 dated 19.09.06	Estt-I/Audit/58 dated 08.08.06
2	Hiten Ch. Dutta	Sr.A.O.	T.N. Choudhury (retired)	Estt-I/Audit/85 dated 19.09.06	Estt-I/Audit/58 dated 08.08.06
3	Kamaleswar Borah	Sr.A.O.	D.K. Singha	Estt-I/Audit/85 dated 19.09.06	Estt-I/Audit/58 dated 08.08.06
4	Ranjit Gogoi	Sr. Auditor	Subhah Ch. Sarkar (retired)	Estt-I/Audit/85 dated 19.09.06	Estt-I/Audit/24 dated 09.06.06
5	Ratna Joardar	Sr. Auditor	Sarat Ch. Choudhury (retired)	Estt-I/Audit/135 dated 04.01.07	Estt-I/Audit/24 dated 09.06.06
6	P.V.K. Naga Polajiah	Sr. Auditor	Mahendra Nath Baishya (retired)	Estt-I/Audit/135 dated 04.01.07	Estt-I/Audit/24 dated 09.06.06
7	T. John Wilson	Sr. Auditor	Jiban Ch. Dutta (retired)	Estt-I/Audit/135 dated 04.01.07	Estt-I/Audit/24 dated 09.06.06
8	Binay Kr. Das	Sr. Auditor	Sudhangshu Rn. Dhar (retired)	Estt-I/Audit/135 dated 04.01.07	Estt-I/Audit/24 dated 09.06.06
9	Malina Acharjee	Sr. Auditor	Anil Kr. Baruah (retired)	Estt-I/Audit/148 dated 31.01.07	Estt-I/Audit/24 dated 09.06.06
10	Snehashis Roy	Sr. Auditor	D. Das (retired)	Estt-I/Audit/148 dated 31.01.07	Estt-I/Audit/24 dated 09.06.06

Authority: Sr. Deputy Accountant General (A)'s Order dated 22.02.2007

Sr. Audit Officer (Admin.)

Memo No. Estt.I/Audit/9-11/ 2006-07/5191-5202

Dated: 23.02.2007

Copy forwarded for information and necessary action to :-

1. The Pr. A.G. (Audit), Meghalaya, etc., Shillong-1
2. The Pr. Director of Audit, N.F. Railway, Maligaon, Guwahati-11
3. The Secretary to the Pr. A.G. (Audit), Assam, Guwahati-29
4. The P.A.O., O/o the Accountant General (A&E), Assam, Guwahati-29
5. The P.A. to Sr. D.A.G (Admin.), Local
6. The A.A.O. Record Section
7. The A.A.O., Estt.II Section
8. The A.A.O., Conf. Cell
9. S.B./P.C. Group
10. The Budget Group
11. Persons concerned (ten)
12. Hindi Cell

Sr. Audit Officer (Admin.)

True copy
of the
case

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

D.A. No. 155 of 2006

Civil Audit Association.

.....Applicant.

-VS-

Union of India & Ors.

.....Respondents.

IN THE MATTER OF:-

An written objection filed on behalf
of Respondents against the Affidavit-
in-Reply/Rejoinder filed by the ap-
plicant.

WRITTEN OBJECTION OF THE RESPECTFULLY

MOST RESPECTFULLY SHEWETH

1. That with regard to the statement made in
paragraph 1 & 2 of the instant petition the answering
respondents have no comment.

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Filed by

the respondents

through Grant Thornton LLP
13.03.07 Adm. and

[2]

2. That with regard to the statements made in paragraph 3 of the instant petition the respondents beg to state that is an arrangement proposed by the department for accommodating/adjusting officials in case where they cannot be posted in their place of choice. This arrangement has been made with the intention of benefiting the excess optees, since now they would be entitled to draw deputation allowance. The department could have posted these officials to deficit offices till such time as vacancies arises in their place of choice. These officials would have had to abide by such orders since as per existing policy, all officers borne on the common cadre have transfer liability to any place in the north-east. However, the department has taken a humanitarian view and has tried to give an incentive by way of giving these excess officials the status of deputationists.

Regarding submission of the applicants that their transfer to the D/o the Accountant general (Sudit), Mizoram and Accountant General (Audit), Arunachal Pradesh would cause havoc in their personal life and hardship to the education of their children, the answering respondents beg to submit that it is well settled proposition of law that transfer of a Government servant who is in a transferable post is an incidence of service & the employer is the best judge of utilizing his service. Thus the contention of the applicants is not tenable in the eye of law.

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[3]

3. That with regard to the statement made in paragraph 4 of the instant petition the answering respondents have no comment.

4. That with regards to the statement made in paragraph 5 of the instant petition the humble respondents beg to submit that in the case of Prakash Chander Vs Union of India (1991) 15 ATC 652 (Del); (1991) 1 SLJ (CAT) 162, the applicant claiming that he filed the application in representative capacity- Rule 4(5) (a) not found to have complied with. In view of the above decision, the humble respondents beg to submit before the Hon'ble Tribunal to review its earlier orders dated 22/06/2006 and quash the application ab initio as the General Secretary of the Civil Audit Association, Group 'C' and 'D' has no locus stand in this case.

5. That with regard to the statement made in paragraph 6,7,8 and 9 of the instant petition the answering respondents have no comment.

6. That with regards to the statement made in paragraph 10 of the instant petition the answering respondents beg to state that by transferring the applications to man the deficit offices the respondents has not violated any provisions of Constitution.

7. That with regards to the statement made in paragraph 11 of the instant petition the answering respondents beg to state that the options were called for posting of the officials to the place of their first

Contd.....P/

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[4]

choice on the basis of seniority with reference to required strength which has formed the basis for transferring officials to deficit offices.

8. That with regards to the statement made in paragraph 12 of the instant petition the answering respondents beg to state that instead of posting these officials straight way to the deficit offices, they are posted on deputation basis to these offices so as to mitigate their financial problems.

9. The answering respondents reiterate the statement made in Para-13 of the instant petition the answering respondents have already stated in para 13 and 14 of the counter affidavit.

10. That with regards to the statement made in paragraph 14 of the instant petition the answering respondents beg to state that except for a few officials, all the Group 'C' & 'D' officials of Guwahati opted for the O/o the Pr. Accountant General (Audit), Assam, Guwahati. On receipt of the option papers, the respondents have taken a contentious decision not to disturb any Group 'D' officials from Shillong or Guwahati except one Group 'D' employee of Shillong who voluntarily wanted to be posted in Guwahati. It would also be evident that with the opening of new offices, only 7 officials from Guwahati office were disturbed which itself would prove the sympathetic approach of the respondents.

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[5]

11. That with regards to the statement made in paragraph 15 of the instant petition the answering respondents have already stated in para 16 of the counter affidavit.

12. That with regards to the statement made in paragraph 16 of the instant petition the answering respondents beg to state that in view of what has been stated in the foregoing paragraphs, there is no merit in the original application as well as in the affidavit in reply and the Hon'ble Tribunal may dismiss the application with cost.

13. That with regard to the statement made in paragraph 17 of the instant petition the answering respondents have no comment.

14. That with regard to the statement made in paragraph 18 of the instant petition the answering respondents beg to state that in view of what has been stated in the foregoing paragraph, it would be evident that modalities of the separation was formulated with the fairness with all fairness and effort was made to disturb the least number of officials to man the deficit office. The respondents, therefore submit that the original application may kindly be dismissed with cost.

Contd....F/

VERIFICATION

I Shri Manoj Sahay....., aged
about 40.... years at present working as
Senior Dy. Accountant General (Admn.)
....., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph
1 to 14 are true
to my knowledge and belief. those made in paragraph
— x — being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 12—th day of September 2007 at —

Manoj Sahay
DEPONENT

वरिष्ठ उप महालेखाकार (प्रशा)
Sr. Deputy Accountant General (Admn.)
प्रधान महालेखाकार (लेखापरीक्षा) का कार्यालय असम
O/O the Pr. Accountant General (Audit) Assam
बेकोला, गुवाहाटी
Bekola, Guwahati-29.