

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

6

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 197/2006

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SECTION OFFICER (Judl.)

Bahla
25/10/17

O.A 197/2006

Contd/-

09.08.2006

from time to time.

Heard Dr. J.L. Sarkar, learned Counsel for the Applicants and Ms. U. Das, learned Addl. C.G.S.C. for the Respondents.

JANUARY 2007
CENTRAL JUDICIAL OFFICE
HON. JUDGE

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

Post on 28.08.2006. In the

meantime, in the interest of justice, by way of interim order, this Tribunal directs the Respondents not to disturb the Applicants from their place of postings till the next date.

Member

Vice-Chairman

/mb/

28.08.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

It is submitted that connected matters have already been admitted. Let the case also be admitted. Admit. Learned Counsel for the Respondents wanted to file reply statement. Let it be done.

Post on 19.10.2006. Interim order dated 09.08.2006 will continue till the next date.

Vice-Chairman

9.11.2006

post on 15.12.2006 granting time to the respondents to file reply statement.

Interim order will continue till such time.

Vice-Chairman

bb

Received
a true copy
Applicant

Received copy
Usha Das -
Addl. C.G.S.C.
#18/06

order dt. 28/8/06
issuing to learned
advocate's for both
the parties.

29/8/06.

Notice & order sent
to D/Section for
issuing to R-1 to 7
by regd. A/D post.

17/10/06. D/No - 1025 to 1030 /mb/

DT= 23/10/06.

Notice duly served
on R-4.

17/10/06. No work has been
filed.

-3-
OA 197/2006

Notes of the Registry	Date	Order of the Tribunal
Order dt. 9/11/06 issuing to learned Advocate's for both the parties.	15.1.07	post on 6.2.07 for order. Vice-Chairman
14.12.06 W/S filed. lm.	pg	
	2.07	Two weeks time is granted to file written statement. Post the matter on 23.2.07. Interim order shall continue. Vice-Chairman
No W/S has been filed. 12.1.07.	lm 23.2.07.	Ms. U. Das learned Addl. C.G.S.C. has submitted that the written statement has been filed to-day. The counsel for the applicant has got the copy of the same. Post the matter on 20.3.07. Vice-Chairman
5-2-07 No W/S so far. lm.	lm 20.3.07.	Counsel for the applicant wanted to file rejoinder. Let it be done. Post the matter on 12.4.07. Interim order shall continue. Member Vice-Chairman
Order dt. 6/2/07 issuing to learned Advocate's for both the parties.	15.5.07.	Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 15.6.07. Vice-Chairman
8/2/07. No W/S has been filed. 22.2.07.	lm 15.6.07.	Counsel for the applicant wanted time to file xxx rejoinder. Let it be done. Post the matter on 18.7.07. Vice-Chairman
26.2.07 W/S submitted by the Respondents. Page contains 1 to 8.	lm	
W/S has been filed. Amo 19.3.07.		

order dt. 20/3/07
issuing to learned
counsel for both
the parties.

~~for~~
21/3/07

No rejoinder has
been filed.

21
11.5.07

No rejoinder has
been filed.

23
14.6.07

Rejoinder not
filed.

27
6.7.07

O.A. 197/06

9.7.07. Counsel for the applicant wanted time to file rejoinder. Post the matter on 30.7.07.

Vice-Chairman

lm

Rejoinder not
filed.

30.7.07.

Counsel for the parties has submitted that pleadings are completed. Post the matter before the next available Division Bench.

Vice-Chairman

Rejoinder not
filed.

27.10.07

lm

07.01.2008.

Judgment pronounced in open Court. Kept in separate sheets. Application is disposed of. No order as to costs.

Received
Alpha Dan
Addl clk e-
30/1/2008

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

N

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No197 of 2006

DATE OF DECISION: 07.01.2008

B.Purkayastha & Ors.

.....Applicant/s

.Dr.J.L.Sarkar

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

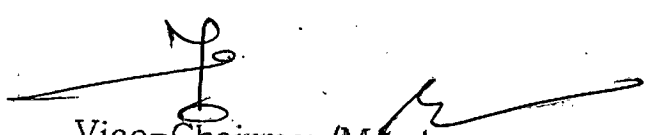
Ms. U.Das.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN
THE HON'BLE MR.KHUSHIRAM, 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 their Lordships wish to see the fair copy of the Judgment? Yes/No ✓


Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.197 of 2006

Date of Order: This the 7th Day of January, 2008

HON'BLE MR.MONORANJAN.MOHANTY, VICE-CHAIRMAN

HONBLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER.

1. Shri Biprajit Purkayastha
2. Shri Balai Kumar Chanda
3. Shri Rupen Kumar Kakati
4. Shri Hitesh Kakoti
5. Shri Sibotosh bhattacharjee
6. Lakshmi Buragohain
7. Pradip Kumar Moitra
8. Subhash Chandra Bhattacharjee
9. Parthá Sarathi Gupta
- 10 Fayzur Rahaman Choudhury
- 11 Biswadeep Chakraborty

Applicants

(Applicant Nos. 1,2,3,4,5,6,7,8,9 10 and 11 are working as Assistant Audit Officers, all Group "B" Officers, in the Office of the Principal Accountant General (Audit), Assam, Guwahati.)

By Advocate Dr.J.L.Sarkar, Mr.S.N.Tamuli

-Versus-

1. Union of India, Represented through Respondent No.2
2. The Comptroller & Auditor General of India,
10 Bahadur Shah Zafar Marg,
New Delhi-110002
3. The Principal Accountant General (Audit), Meghalaya, etc.
Shillong-1
4. The Principal Accountant General(Audit), Assam,
Guwahati-29
5. The Accountant General (Audit), Nagaland, Kohima
6. The Accountant General (Audit), Tripura, Agartala
7. The Accountant General (Audit), Manipur, Imphal
Respondents

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



ORDER (ORAL)

M.R.MOHANTY, V.C:

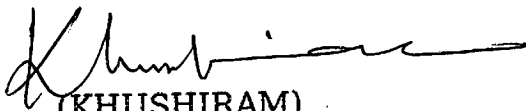
Dr. J.L.Sarkar, learned counsel appearing for the Applicants is present.

2. Ms. Usha Das, learned Addl. Standing Counsel appearing for the Respondents has placed on record a copy of the Office order No.Estt-1/Audit/42 dated 08.06.2007, and states that all the Applicants have already been allocated at Guwahati office of the Accountant General. A copy of this office order dated 8.6.2007 has already been supplied to Dr.J.L.Sarkar, learned counsel appearing for the Applicants, in Court.

3. Since it was the grievance of the Applicants to be allocated and posted at Guwahati, the grievance of the Applicants have already been redressed during pendency of this case and, as a consequence, there remains nothing to be adjudicated in this case.

4. As such, this case is, hereby, disposed of.

5. Send copies of this order to the Applicants and to the Respondents through their respective counsels and free copies of this order be also supplied to the Advocates appearing for the parties.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE-CHAIRMAN

10

Shri Biprajit Purkayastha & Others

Union Of India & Others.

& Others.
S

By Circular No. 144-NGE (APP)17-2004 dated 24/03/2006, No.Estt-I/Audit/1-51/2005-06/394 dated 31/03/2006 and Circular No. Estt-I/Audit/1-51/2005-06 dated 20/04/2006 the respondents have circulated a scheme of separation of cadre of Group 'B' officers in Civil Audit offices. The scheme has been formulated on the wrong premises that there was common/combined cadre. In reality there has not been any formal common/combined cadre. Moreover, the scheme called for option and after receiving options brought into play the concept of '**required strength**' substituting the '**sanctioned strength**' in Para V of the scheme. The term '**required strength**' adds to '**vagueness**' of the scheme. The scheme of separation of cadre is as such not just and fair and is illegal. The applicants are likely to be very adversely affected by the scheme in the matter of seniority and place of posting. The applicants pray for setting aside and quashing of the scheme of separation of cadre.

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

O.A No. 197 /2006

Shri Biprajit Purkayastha & Others

-- VS --

Union Of India & Others.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

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

O.A No. 197 /2006

12
Filed by the applicant
through S.N. Tamuli
Advocate. 9/8/06

1. *Shri Biprajit Purkayastha*
2. *Shri Balai Kumar Chanda*
3. *Shri Rupen Kumar Kakati*
4. *Shri Hitesh Kakoti*
5. *Shri Sibotosh Bhattacharjee*
6. *Lakshmi Buragohain*
7. *Pradip Kumar Moitra*
8. *Subhash Chandra Bhattacharjee*
9. *Partha Sarathi Gupta*
10. *Fayzur Rahaman Choudhury*
11. *Biswadeep Chakraborty*

Biprajit Purkayastha

— Applicants

--Versus--

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

-Respondents--

Drinkwater

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

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

2. **Jurisdiction**

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

3. **Limitation**

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

4. **Facts of the Case**

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

B. Sankar Das

el
Pinkie on the

Clerk/Auditor
↓
(on passing of S.O.G Examination)
↓
Section Officers
↓
AAO
↓
AO
↓
Sr.A.O

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

- Bimkayatha*

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

4.5A That The letter dated 13-04-2006 enclosed with letter dated 20-04-06 (Annexure D) unambiguously stipulates as under:

It has already been made clear in the policy for separation of cadres that final allocation of Group 'B' offices belonging to common cadre shall be made strictly on the basis of their seniority-cum-option exercised by them irrespective of their base office.

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

Copy of letter dated 25.4.2006 is enclosed as Annexure-E

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

Copy of the letter dated 8.5.2006 is enclosed as Annexure-F

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

B. Prakash

Copy of the letter dated 6.7.2004 enclosed as Annexure-G

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

4.10 That after reorganization of NE Region into different States, Offices of the Accountant General Manipur and Tripura were opened in 1967 in Imphal and Agartala respectively and the office of the Accountant General Nagaland, Kohima was opened in 1973. Many office Staff of office of the Accountant General Assam (undivided) which was actually the mother office, had to bear the main brunt of forceful transfer to those newly created offices. All those three A.G. offices in Kohima, Imphal and Agartala acquired the separate identity from their mother office i.e. office of the Accountant General Assam, Meghalaya etc. Shillong w.e.f. 1975 in respect of establishment, budget provision and the recruitment power. Since 1975 Accountant General, Nagaland, Manipur & Tripura recruited their staff (Clerk, Auditor/Accountant) on their own sanctioned strength and budget provision. With the establishment of separate AG's offices viz., A.G Assam, Meghalaya etc., Shillong, A.G Nagaland, Kohima, A.G Manipur, Imphal and A.G Trupura, Agartala each office had its own Section Officer's cadre.

4.11 That it would be seen that the criteria brought forward for so called the separation of Group 'B' cadres in the above perspectives on the plea of 'combined cadre' 'common cadre' deserve to be considered taking into account the fact that the

R. B. K. K. K. K. K.

Group 'B' Officers in NE Region belong to their respective parent offices. The scheme is susceptible to causing undue dislocation of officers from their parent offices.

4.12 That as per provision of Para 5.6.1 (i) of CAG's MSO (Administrative) vol-1 (3rd Edition), the office of the (i) Accountant General Tripura, (ii) Accountant General Nagaland (iii) Accountant General, Manipur and (iv) Accountant General Assam, Meghalaya etc. are having their own Section Officers cadre, the so called common cadre system for the purpose of running the deficit offices. Dearth of Group B Officers in some offices was not by transferring officers from other units. Officers transferred were said to be transferred from their own cadre i.e., base office for 18 months to the offices where there were dearth of officers, called deficit offices. Dearth of Group B officers in some offices was met by transferring officers from other units. Officers transferred were said to be transferred from their own cadre i.e. base office for 18 months to the office where there were dearth of officers, called deficit office.

4.13 That the distinct individual Section Officer (SO) cadres of the four offices have been the so called combined cadre for the purpose of running the offices. That the so-called combined cadre has been going on as an ad-hoc measure. Under the so-called combined common cadre system, Officers in the cadres of SO/AAO & AO/Sr. AO are transferred on tenure (18/12 months) basis to the deficit offices who are invariably repatriated to their respective parent (base) offices. This system of repatriation goes to prove that all the Group 'B' officers of the N.E. Region have been having their own parent (base) offices. The CAG's office has also instructed

P. B. K. K. K. K. K.

vide letter No. 108-N.2/127-88 dated. 29-02-1990 that Section Officers may be posted in the offices from which they passed the S.O.G. Examination.

Copy of the letter dated 29-02-1990 is enclosed as Annexure-H

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

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

As per existing policy as reflected in various reports vacancies of different cadres are determined with reference to the sanctioned strength in respective cadre i.e. vacancy is equal to sanctioned strength minus man-in-position. The adoption

20
B. K. K. K.

of the new term 'required strength' is not in conformity with the existing norms and is therefore without any basis. Adoption of 'required strength' for the purpose of determining vacancies in the offices under so called combined cadre system would lead to incorrect position of vacancies in the offices, causing scope for arbitrariness and favouritism.

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

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

Pinkerton

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

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

Copy of the representation is enclosed as Annexure I.

- 4.17 That the matter of separation of so called common cadre of Group B officers of NE Offices was discussed on various occasions by the respondents. The applicants have come to know that in the meeting held in CAG's office on 28/11/2003 views were expressed regarding cadre separation, minutes of which were also drawn. The Pr. AG (Audit) Meghalaya, Arunachal Pradesh and Mizoram, Shillong expressed opinion that as per the principles enunciated by the CAG's office for separation of common cadre, keeping a common waiting list to any NE Offices in respect of those junior officials who would not be initially accommodated to the offices of

The applicants have reasonable apprehension that they may also be transferred without making any scientific method, and de hors the seniority position.

The applicants are senior to the applicants in OA No. 125/06 and 146/06, statements showing list of AAOs ^{of Guwahati} are enclosed for appraisal of the Hon'ble Tribunal. The copies of statements showing seniority position is enclosed as Annexure J and K.

It is stated that the sanctioned strength of AAO in Guwahati office is 113.

Copy showing staff strength in office is enclosed as Annexure K

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

5. Grounds and Legal Provisions

- 5.1 For that the separation of so called common/combined cadre in disguise opens rooms for erstwhile juniors to become seniors for options.
- 5.2 For that the concept of "required strength" is vague and abstract and provides scope for arbitrariness in cadre constitution and arranging person in position.
- 5.3 For that under the scheme of separation of cadre as circulated, persons said to be surplus shall be kept out of their allotted cadre which in other words reverts to the concept of common cadre.

D. J. Karim

- Prakash Chandra*

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

The applicants declare that they have not filed any other Original Application in any Tribunal or Court. The applicants have, however, filed miscellaneous petition (M.P. No.47/2006 in O.A. 115/2006) which is pending in this Hon'ble Tribunal. The O.A.

No.115/2006 is on similar matter concerning the Group 'B' officers of the office of the Accountant General (Accounts and Entitlement) Assam, Guwahati.

8. Reliefs sought for:

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

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

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

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

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

9. Interim Relief prayed for:

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

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

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

10. This application has been filed through Advocate.

11. Particulars of the Postal Order.

(1) IPO No. -- 26 G 350774

(2) Date of Issue -- 28/6/06

B. Ankantha

(3) Issued From

-- Gauhati University P.O.

(4) Payable at

-- G.P.O. Guwahati

12. Enclosures as stated in the index.

P. Sankaranta

VERIFICATION

I, Shri Biprajit Purkayastha, Son of Late Bimal Chandra Purkayastha, aged about 39 years working as Assistant Audit Officer in the office of the Principal Accountant General (Audit) Assam, Guwahati do hereby verify that the statements made in paragraphs 1, 4, 6 to 12 are true to my knowledge and those made in paragraphs 2, 3, and 5 are true to my knowledge as per legal advice. I have been authorized by other petitioners to sign this verification on their behalf, which I do accordingly. I have not suppressed any material facts.

Guwahati

Date 7.8.2006


Signature

(BIPRAJIT PURKAYASTHA)



कार्यालय महालेखाकार (ले० एवं ए०), असम
OFFICE OF THE
ACCOUNTANT GENERAL (A&E), ASSAM

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

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

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

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

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

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

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

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

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

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

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

Sd/
DAG (A)

Attested
(Advocate)

CONFIDENTIAL

D.O. No.DAG(A)/Con-C/
Dated Guwahati, September 08, 1998.

Dear,

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

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

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

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

Yours sincerely,

Sd/-

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

Alistered
(Advocate)

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

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

Dated: 31.03.2006

CIRCULAR

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

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

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

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

Encls:

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

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

Sd/-

Dy. Accountant General (A&W)

Memo No. Estt.I/Audit/1-51/2005-06/415-37

Dated: 31.03.2006

Copy forwarded for information and necessary action to:-

1. The D.A.G. (A&W)
 2. The D.A.G. (I/C & C.A)
 3. The Secretary to the Pr. Accountant General (Audit), Assam
 4. All Branch Officers
 5. All Group 'B' Officers (except Com. Officer)
 6. All Section
 7. All Notice Board
- They are requested to bring the contents of the circular to the Notice of all Group 'B' Officers deployed in field duty with the instruction to collect the "Option Form" personally and submit the same with the stipulated date to Estt.I Section.

Attested
By
(Advocate)

11/3/06

(21)

32

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

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

Dated: 27-03-2006

To

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

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

Sir,

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

Yours faithfully,

Encl: As above.

Sd/-

Sr. Deputy Accountant General (Admin.)

Attended
(Signature)
(Signature)
(Signature)

22

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33

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

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

Dated: 24.03.2006

To

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

Sub:-

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

Sir,

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

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

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

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

Yours faithfully,

Encl: As above.

A Hester
Sd/-
(Advocate)

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

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

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

Attested
[Signature]
Advocate

24

35

FORM OF OPTION

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

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

Date :
Station:

Name.....
Designation.....
O/o the
Employee No.

Attested
(Signature)
(Advocate)

25
36

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

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

Checked
By
Advocate

4. All Branch Officers
5. All Group Officers (Os except Com. Officer)
6. All Section
7. All Notice Board

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

Sr. Audit Officer (Admn.)

17/4/06

- 45

27

38

To

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

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

Sir,

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

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

Yours faithfully,

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

Dated 13-04-2006

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

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

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

Accepted
(Advocate)

28

Annexure ~~D~~
Continued

29

FORM OF OPTION

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

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

Date :
Station:

Signature.....
Name.....
Designation.....
O/o the
Employee No.

Attested
(Signature)
(Advocate)

Sr. Audit Officer (Admin.)



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

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

Date

25-04-2006

The Accountant General (Audit),
Tripura,
Agartala

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

Sir,

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

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

26.04

[Signature]

10, Bahadur Shah Zafar Marg, New Delhi-110002

AHesha
Advocate

- 30 -
- 110
Annexure ~~Continued~~ **E**
WJ002/006
- (viii) The sanctioned strength minus existing vacancies proportionately distributed in each cadre is the required strength for the purpose of separation of cadre. No additional post is being created for the present.

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

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

Dated 24.04.2006

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

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

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

Altered
By
(Advocate)

(31) (22)
42

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

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

Dated: 8th May '2006

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

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

Sir,

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

This issues with the approval of Principal Accountant General.

Yours faithfully,

[Signature]
Senior Audit Officer (Admn.)

Attested
by
Advocate

[Signature]
Senior Deputy Accountant General (Admn.)

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

दिनांक
 Date

To

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

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

Sir,

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

Yours faithfully,

(Signature)

(LALIT KUMAR)
 Administrative Officer (BRS)

No. 1723 BRS/75-2005

Copy for information and necessary action to

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

For PAC (Audit)

(Signature)
 Administrative Officer (BRS)

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

A.A.O/EOM-1

(Signature) (4pm.)

Attested
 (Signature)
 Advocate

(Signature)
 Sr. Deputy Accountant General (Admn)

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

Cadre	Meghalaya		Arunachal Pradesh		Mizoram		Total	
	SS	PIP	SS	PIP	SS	PIP	SS	PIP
Sr AO/AO	12	11	11	10	9	8	32	29
AAO/SO/Supr	24	16	22	15	15	10	61	41
Sr Ar/Sr CO	75	66	56	50	44	39	175	155
Ar/CO	18	5	14	4	10	2	42	11
CU/Ty/DEO	11	3	9	2	7	2	27	7
Welfare Asstt	1	1					1	1
Asst. Caretaker	1						1	0
Steno	2	1	2	1			5	2
Hindi Officer	1						1	0
Senior Translator	1	1					2	1
Junior Translator	3						3	0
Hindi Typist	1						1	0
Staff Car Driver	1	1					2	1
Record Keeper	2	2	2	2			6	4
Group D	13	11	10	8	2	2	32	26
Total	166	118	126	92	97	70	388	280

Sanction of marginal cadres may be considered at a later stage

Attended
(Bund
Advocate)

Sd/- Deputy Accountant General (Admin)

Fax / Speed Post

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



भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय
 OFFICE OF THE COMPTROLLER
 AND AUDITOR GENERAL OF INDIA
 226-8
 22.4.06
 Date: 25.04.2006
 To

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

25.04.2006

The Accountant General (Audit),
 Tripura,
 Agartala

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

Sir,

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

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

10, Bahadur Shah Zafar Marg, New Delhi-110002
 10, Bahadur Shah Zafar Marg, New Delhi-110002

Attested
 (Advocate)

Sd. Deputy Accountant General (Admn)

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

Yours faithfully,

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

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

Dated 24.04.2006

- Copy along with a copy of the AG(Audit), Tripura, Agartala letter dated 12.4.2006 is forwarded for information and necessary action to:
1. The Pr. AG (Audit), Meghalaya, Shillong-793 001
 2. The AG(A&E), Assam, Guwahati-781 029
 3. The AG(Audit), Assam, Guwahati-781 029 with reference to serial No.10 of the AG's letter dated 12.4.06.
 4. Director (Direct Taxes) at Headquarter with reference to serial No.10 of the AG's letter dated 12.4.06.
 5. Director (Indirect Taxes) at Headquarter with reference to serial No.10 of the AG's letter dated 12.4.06.

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

Altered
Original
Advocate

1/1/2006
Sr. Deputy Accountant General (Admn)

SPRINT EAST ACCOUNTANT GENERAL (AUDIT), ASSAM, GUWAHATI-29
OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT), ASSAM,
MAIDAMBAOA, GUWAHATI-29.

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

Dated: 06/07/2004

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

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

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

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

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

[Signature]
Sr. Deputy Accountant General (Admn)

Memo No. Estt./Adm-1-51/03-04/1078-1986

Dated: 06/07/2004

Copy forwarded to:

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

[Signature]
Sr. Deputy Accountant General (Admn)

Attested
[Signature]
Advocate

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WB

FORM OF OPTION

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

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

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

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

(Signature)

Date

Name

(IN BLOCK LETTERS)

Station

Designation:

O/o the

Attested
[Signature]
 Advocate

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

Circular No. Estt-I/Audit/1-51/03-04/275 Dated, Guwahati,
The 3rd November 2003

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

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

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

- (a) One time non-changeable option for allocation to a particular office located in the North East shall be obtained from the existing incumbents from Section Officers to the Senior Audit Officers placed in the different Audit Offices (including those on deputation and foreign service). The incumbents should also exercise their second and third preferences.
- (b) The Officers shall be allocated to the office of his choice on the basis of seniority-cum-first preference. However, where the number of optees for a particular office is more than the sanctioned strength of that office, the excess optees shall be kept in a Waiting list for future accommodation in the office of their choice.
- (c) The Wait listed persons shall form a pool at the disposal of existing cadre controlling authorities (i.e., the Principal Accountant General (Audit), Meghalaya etc., Shillong) for posting to deficit offices as per their alternative preferences, subject to administrative convenience, till such time they are accommodated in their offices of choice.

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

Attested
[Signature]
Advocate

P. T. O.

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

The option once exercised shall be final.

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

Sd/-

Sr. Deputy Accountant General (Admn).

Dated: 3rd. November 2003

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

Copy forwarded for information and necessary action to:-

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

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

A Heshed
G. G. G. G.
(Advocate)

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

Annexure - H

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

No. 108-N.2/127-88

Dt 29 Feb 1990.

To

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

Subject:

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

Sir,

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

Yours faithfully,

Sd/-

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

Attended
8/2/90
(Advocate)

Attended
8/2/90
(Adv)

-41- (240) *Scrymgeour* (001101)
 100-N.2/127-087
 No. 15
 H
 OFFICE OF THE COMMISSIONER
 AND CHIEF CLERK
 JAMES H. GIBSON, JR.
 Assistant to the Commissioner
 (Public Relations)
 NEW YORK, N.Y.

Annexure - 65-

Chief, General (A8E),
Adm. (A8E)
SHILONG 79300

I am directed to refer Shri S.K.Chakraborty, Accountant General (ARE), Tripura d.o. letter No.Estt/Restruct/1-1/1983/Vol.II/2665 dated 26.12.1989 addressed to you on the subject mentioned above and to request that as far as possible the Section Officer Grade Examination passed staff of Accounts and Entitlement offices in North Eastern Region on their promotion as Section Officers may be posted in the offices from which they passed the above examination."

Yours faithfully,
(R.N. RAJYOMDINAY)
ADMINISTRATIVE OFFICER (N)

A Hester
(Sung)
(Advocate)



Annexure - K

42-

42

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

No. CAA/GB/49

Dated. 25.4.2006.

To,

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

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

Sir,

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

Yours faithfully,

P. K. Dima

General Secretary

Recd
25/4/06

Affected
Person
(Advocate)

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

No. CAA/GB/48

Dated. 25-04-2006

To

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

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

Sir,

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

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

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

Attended
Bund
(Advocate)

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

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

Yours faithfully,
P K Dinda
General Secretary

Attested
(Signature)
(Advocate)

Statement showing the position of AAOs posted in Guwahati
as per seniority

AS

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1.	Kunu Choudhury	28-02-2010
2.	Dhirendra Ch. Paul	31-12-2011
3.	Ranjit Paul	31-01-2012
4.	Bipin Ch. Pujari	31-01-2012
5.	Jashabanta Choudhury	28-02-2017
6.	Mriganka Deshmukhya	30-09-2014
7.	Pradip Kr. Chakraborty	30-11-2016
8.	Bhabananda Pathak	31-08-2010
9.	Kiransashi Das	28-02-2010
10.	Subhash Ch. Dutta	28-02-2011
11.	S. Paul Choudhury	30-04-2010
12.	Subhash Ch. Paul	31-01-2010
13.	Mridul Kanti Hore	30-11-2019
14.	Bhaben Ch. Kalita	28-02-2016
15.	Joy Prakash Kumar	28-02-2016
16.	Surya Kr. Bhagawati	31-01-2009
17.	Debashish Chakraborty	31-07-2011
18.	Khagen Gogoi	31-08-2017
19.	Binode Kr. Hazarika	31-01-2008
20.	Govinda Deka	30-06-2009
21.	Nazrul Islam Laskar	31-01-2017
22.	Jayanta Shankar Paul	28-02-2016
23.	Nurul Islam Pramanik	30-06-2016
24.	Ashim Jyoti Dutta	31-01-2018
25.	Tapan Kr. Sarkar	31-03-2023
26.	Madan Ch. Nath	31-03-2008
27.	Tapas Kr. Dey	28-02-2010
28.	Motilal Das	31-01-2013
29.	Lalit Gogoi	30-11-2017
30.	SMS Ahmed	31-10-2019
31.	Debashish Bhattacharjee	31-01-2023
32.	Mukul Baruah	30-04-2012
33.	Nibaran Ch. Gogoi	30-06-2016
34.	Subir Nath Mazumdar	28-02-2024
35.	Pradip Goswami	31-01-2018
36.	Nausaad Ali Ahmed	31-07-2016
37.	Subhash Deb	30-06-2017
38.	Prativa Rani Das (SC)	31-01-2027
39.	Subikash Dutta	31-07-2019
40.	Alok Acharyya	31-03-2029
41.	P.C. Barman	30-11-2008
42.	Bidhu Bhushan Das	31-12-2012
43.	P.K. Kuri	31-08-2017
44.	Shyamal Kanti Kar	31-10-2013
45.	Ubedur Rehman	31-12-2019
46.	Ratul Ch. Bora (ST)	31-12-2028

47.	Saradindu Paul	31-12-2016
48.	Arup Kumar Paul	28-02-2017
49.	Pradip Kr. Dutta	31-01-2021
50.	Debabrata Saha	31-10-2024
51.	Pradip Chakraborty	31-07-2021
52.	Dipu Bora	31-08-2028
53.	Pratap Ch. Barmah	31-12-2007
54.	B.B. Deb	31-08-2014
55.	Balai Kr. Chanda	31-01-2017
56.	Rupen Kr. Kakati	30-11-2019
57.	Hitesh Kakati	31-12-2028
58.	Sibotosh Bhattacharjee	28-02-2028
59.	Lakshmi Buragohain	30-11-2010
60.	P. K. Moitra	31-01-2018
61.	Subhash Bhattacharjee	31-12-2018
62.	Biprajit Purkayastha	31-03-2027
63.	Partha Sarathi Gupta	31-12-2029
64.	Faizur Rehman	30-11-2027
65.	Biswadeep Chakraborty	31-05-2032
66.	Sarat Ch. Das	31-07-2010
67.	Guna Ram Kalita	31-05-2015
68.	Birinchi Kr. Sarmah	31-12-2016
69.	Biren Boragohain	28-02-2017
70.	Snehangshu Nath	28-02-2029
71.	Subhash Kumar	28-02-2029
72.	Srikant Lal	31-08-2030
73.	Nani Gopal Paul	31-03-2010
74.	Babul Ch. Das	31-12-2016
75.	Swapan Kr. Bose	31-01-2014
76.	Naba Kr. Bhattacharjee	31-08-2018
77.	Binoy Kr Das	30-09-2015
78.	Samiran Chakraborty	30-11-2018
79.	Sudipta Das Gupta	31-05-2030
80.	Jayanta Ghosh	31-12-2029
81.	O.P. Upadhyaya	28-02-2031
82.	Jishu Bhattacharjee	31-12-2017
83.	Biswajit Choudhury	30-11-2029
84.	Sebabrata Mazumdar	30-06-2029
85.	Ranajoy Bhattacharjee	31-05-2029

Attested
(Advocate)

- 46 - - 508 -
Annexure - K

Impexme C. (Continued)

(59)

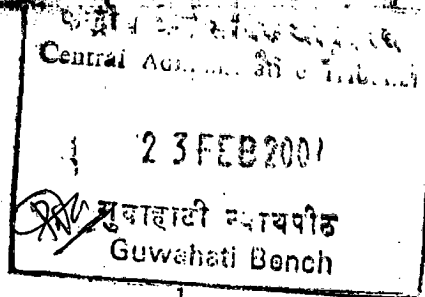
Sanctioned Strength of SRAOs/AOs and AAOs/Sos in N.E. Region.
(other than Commercial Officers)

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

Attended
B. Singh
(Advocate)

4. All Branch Officers
5. All Group Officers (A.Os except Com. Officer)
6. All Section
7. All Notice Board

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



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI
OA NO. 197/2006

SHRI BIPRAJIT PURKAYATHA & OTHERS

.....APPLICANTS

-VERSUS-

UNION OF INDIA & OTHERS

.....RESPONDENTS

Filed by
The Respondents
Through
Advocate
23/2/07

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received copy of the OA and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are not specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 1 of the OA, the respondents beg to offer no comment.
- 3) That with regard to the statement made in paragraph 2 of the OA, the respondents beg to state that in terms of Section 20 of the Administrative Tribunal Act, 1985 amended from time to time a Tribunal shall not ordinarily entertain an application unless it is satisfied that the applicant had availed of all the remedies available to under the relevant rules as to redressal of grievances. In the instant application, the applicants have not submitted any application/appeal to the appropriate higher authorities for redressal of their grievances.

On this ground alone the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

- 4) That with regard to the statement made in paragraph 3 of the OA, the respondents beg to submit that in view of the statement made above the question of limitation does not arise.

- 5) That with regard to the statement made in paragraph 4.1 of the OA, the respondents do not offer any comment.
- 6) That with regard to the statement made in paragraph 4.2 of the OA, the respondents beg to state that the applicant should have exhausted all official channels for redressal of their grievances before moving the Hon'ble Tribunal. As they have not exhausted all official channels, the instant application is devoid of merit and on this score alone the Hon'ble Tribunal may be pleased to dismiss the OA with cost.
- 7) That with regard to the statement made in paragraph 4.3 of the O the respondents beg to state that up to the level of supervisor the cadres had already been separated with effect from 01/09/1981 amongst the offices of Accountant General, Assam, Meghalaya, Arunachal Pradesh & Mizoram; Tripura, Manipur and Nagaland. However, on passing of S. O. G. Exam from any of the aforesaid offices, a combined seniority list is prepared for promotion to the grade of Section Officers and on their promotion they belong to the common cadre of Section Officers of the office of the Pr. Accountant General, Assam, Meghalaya, Arunachal Pradesh & Mizoram; Tripura, Manipur and Nagaland. Thereafter, their names are shown in the Gradation list of Group 'B' gazetted and Non-gazetted and subsequently they are promoted to the cadre of Assistant Audit Officer and from the above that the term common cadre has got a definite meaning and is not a vague term.
- 8) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to submit that there is a definite joint cadre in existence in the case of Section Officers/Assistant Audit Officers/Audit Officers/Sr. Audit Officers in the Audit offices, the Comptroller and Auditor General of India after total application of mind asked all the officers of the N. E. Region to exercise the choice of place of posting. The officers of all the offices have orders of their seniority. When, however, the number of optees for a particular place was found to be in excess of required strength, they were posted to deficit offices on deputation basis. Thus the respondents submit that there was no unfairness or arbitrariness in the separation of cadres.

- 9) That with regard to the statement made in paragraph 4.5 to 4.9 of the OA, the respondents beg to offer no comment being matter of records.
- 10) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to state that with opening new offices as stated in the aforesaid paragraph the Accountant General, Assam, Meghalaya, etc., Shillong used to post officers to these offices on tenure basis from amongst the section Officers of the common cadre. Thus bearing the brunt by the officers of any individual offices is not based on facts.
- 11) That with regard to the statement made in paragraph 4.11 of the OA, the respondents beg to submit that the Group 'B' officers of the N. E. Region belong to the common-cadre and for the sake of administrative fairness and fair play, all the officers were allowed to exercise option irrespective of their place of posting.
- 12) That with regard to the statement made in paragraph 4.12 of the OA, the respondents beg to state that the applicants have quoted a portion of the aforesaid provisions of Para 5.6.1(1) of C. & A. G.'s reads as follows: "Each Civil Audit Office and Civil Accounts Office and each Railway Audit Office has its own Section Officers" cadre except where any such office is re-organized into two or more independent offices and so long as the cadre is not separated for the offices into which it has been re-organized. In the instant case, attempt is now being made to separate the Group- 'B' cadres in the Audit Offices of the N. E. Region. Moreover, the applicants all of whom are Assistant Audit Officers were promoted to the Grade from a common seniority list of Section Officers belonging to different offices. Thus the respondents further beg to state that to cater to the requirement of deficit offices, transfers were made from other offices.
- 13) That with regard to the statement made in paragraph 4.13 of the OA, the respondents denying the contentions made therein beg to submit that there was no distinct individual Section Officers cadre of the four offices as claimed by the applicants. There was only a common cadre Section Offices in the Audit Offices of the N. E. Region for which a combined seniority list was maintained through a

Gradation List which was published by the cadre controlling i.e. the offices of the Pr. Accountant General (Audit), Meghalaya, etc., Shillong and sent to all the Audit offices of the N. E. Region for information and necessary action of the officers whose names have been incorporated there. The repatriation of the Section Officers to their place of origin after 12 months/18 months does not in any way prove that there is no common cadre. Generally with the announcement of the S.O.G. Exam results, Sr. Auditors/Auditors, etc. are promoted as Section Officers and posted to the deficit offices to facilitate repatriated of the Section Officers who have already completed 12 months/18 months. Repatriation of these officers to their place of origin in the aforesaid manner does not in any way prove that there is no common cadre.

- 14) That with regard to the statement made in paragraph 4.14 of the AO, the respondents deny the contentions made therein and beg to submit that there exists huge vacancies in the cadre of Assistant Audit Officers and Section Officers. If all the optees for Guwahati office were posted to Guwahati of the Accountant General, Nagaland, Kohima will stop functioning and the newly created offices of the Accountant General, Mizoram and Arunachal Pradesh will not be able to start functioning. Thus under compelling circumstances, the office of the Comptroller and Auditor General of India had decided that to start with, each individual office will run with required strength. This has no way affected the scheme of separation of cadres and for that reason it was not ^{felt} ~~left~~ necessary to cancel the option already exercised. The Comptroller and Auditor General of India has defined required strength as sanctioned strength minus vacancies proportionately distributed. It is not understood why the applicants are insisting on this point. As already stated there were huge vacancies in the common cadre of Section Officers/Assistant Audit Officers in the audit offices of the N.E. Region. Thus if the placements were made on the basis of sanctioned strength, the offices of the Accountant General (Audit), Mizoram, Arunachal Pradesh & Nagaland will not be able to functioned. Therefore, the contention of the applicants that the new term required strength is not in conformity with the existing norms is not based on factual position. In any case, it is within the competence of the executive to determine the posts required for discharge of its functions.

15) That with regard to the statement made in paragraph 4.15 of the OA, the respondents beg to rely and refer upon the statements made above and do not make any further comment.

16) That with regard to the statement made in paragraph 4.16 of the OA, the respondents deny the contentions made therein and beg to state that reply to Association letter was furnished to the General Secretary, Civil Audit Association, Assistant Audit Officers/ Section Officers vide this Office letter No. Estt-I/1-51/2005-06/669 dated 31/05/2006 and the General Secretary on 31.5.2006 received the same.

17) That with regard to the statement made in paragraph 4.17 of the OA, the respondents beg to submit that before a policy is formulated opinions from various quarters are sought for and a threadbare examination of the points raised are made and thereafter a policy based on fairness and justice for all is made. Thus deliberation made by different officers before a policy is formulated cannot be a subject matter of assignment in a court of law. By maintaining a common gradation list of section of Section Officers/Assistant Audit Officers /Sr. Audit Officers it was amply clear to all the officers that they belong to the common cadre, hence a separate declaration never felt necessary. In fact, formulation of a policy was a long pending demand of the employees of the office of Accountant General.

~~_____~~
~~_____ and marked as Annexure-R1.~~ *was*

18) That with regard to the statement made in paragraph 4.18 of the OA, the respondents deny the contentions made therein beg to state that in view of what has been in the foregoing paragraphs the separation of cadre and consequential allocation/transfer was made with all fairness.

19) That with regard to the statement made in paragraph 4.19 of the OA, the respondents beg to submit that in the interest of public service, this Hon'ble Tribunal mat kindly consider not to interfere in the transfer posting of applicants referred to in the original applications in this paragraph.

20) That with regard to the statement made in paragraph 4.20 of the OA, the respondents beg to state that the stay orders issued in respect of various applications may kindly be vacated by this Hon'ble Tribunal.

21) That with regard to the statement made in paragraph 4.21 of the OA, the respondents beg to submit that the averments made are ^{wrong} ~~wrong~~. It is desired that transfer made in Accounts side were ~~in accordance with~~ policy made in a just, fair and scientific manner.

22) That with regard to the statement made in paragraph 4.22 of the OA, the respondents beg to submit that the reason for using the term common cadre has already been stated above and as such the respondents have no further comments to make.

The respondents further beg to state that the applicants of OA No. 125/2006 and OA No. 146/2006 were retained in Guwahati in obedience to the Hon'ble Tribunal's orders. Thus if the above applicants were also allowed to stay in Guwahati by this Hon'ble Tribunal in that case there would be administrative chaos and office work of some of the office will be irreparable hampered.

23) That with regard to the statement made in paragraph 4.23 of the OA, the respondents state that there is common cadre and the concept of Base Office does not come on the way at the time of cadre separation.

24) That with regard to the statement made in paragraph 4.24 of the OA, the respondents deny the contentions made therein and beg to state that there is complete rational in the separation of cadres as the concept of common cadre and consequential transfer/posting of officers is not only a huge financial burden but the deficit offices has no continuity and institutional wisdom on account of very short stay of the supervisory officers.

- 25) That with regard to the statement made in paragraph 5.1 of the OA, the respondents beg to state that the separation and consequential permanent allocation will not make any juniors to become senior because equal opportunity has been given to all to exercise in terms of the policy framed for the purpose.
- 26) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to submit that as already stated, the concept of required strength is not a vague or abstract terms. The concept was brought into force because of the existence of huge vacancy in the common cadres of Assistant Audit Offices and Section Officers.
- 27) That with regard to the statement made in paragraph 5.3 of the OA, the respondents beg to state that it is not correct to state that the surplus staff were kept out of their allotted cadre. The officers will be borne in the cadre of their first option place. Temporarily they will be placed on deputation to other deficit offices. Thus there will be no reversion to the concept of common cadre.
- 28) That with regard to the statement made in paragraph 5.4 of the OA, the respondents while denying the contentions made therein beg to state that the seniority of Auditor/Sr. Auditor of various offices are fixed correctly before they are promoted as Section Officers and brought into common cadre. Thus, the contention of the applicants is not base on facts and records.
- 29) That with regard to the statement made in paragraph 5.5 of the OA, the respondents beg to submit that in view of what has been stated against paragraph 4.17, no formal declaration of common cadre is felt necessary.
- 30) That with regard to the statement made in paragraph 5.6 and 5.7 of the OA, the respondents while denying the contentions made therein beg to state that in view of what is stated in the earlier paragraphs, the Hon'ble Tribunal may be pleased to dismiss the application with cost.
- 31) That with regard to the statement made in paragraph 5.8 of the OA, the respondents beg to state the scheme itself is based on option basis and seniority. Thus there is no question of disturbing the seniors before their juniors. Since the

Hon'ble Tribunal has stayed the orders of transfer in respect of some juniors under compelling circumstances senior has to be disturbed temporarily to keep all the offices functioning.

- 32) That with regard to the statement made in paragraph 6 of the respondents beg to submit that since the applicants have not exhausted all the official channel for redressal of their grievances, this application should be rejected ad-initio.
- 33) That with regard to the statement made in paragraph 7 of the OA, the respondents beg to offer no comment.
- 34) That with regard to the statement made in paragraph 8.1 of the OA, the respondents beg to state that in view of what has been stated in the foregoing paragraphs, there is no reason for the Hon'ble Tribunal to squash the scheme of separation. Instead the application may kindly be dismissed with cost.
- 35) That with regard to the statement made in paragraph 8.2 of the OA, the respondents beg to state that the applicants may be allowed to transfer in the interest of public service.
- 36) That with regard to the statement made in paragraph 8.3 of the OA, the respondents beg to submit that since the applicants have been posted at Guwahati office if they are transferred for some time to other offices to function the deficit offices, the action of the respondents cannot be treated as unjustified. Hence the contentions of the applicants are devoid of merit and the Hon'ble Tribunal may be pleased to dismiss the OA with cost.
- 37) That with regard to the statement made in paragraph 9 of the OA, the, the respondents pray before the Hon'ble Tribunal that the Hon'ble Tribunal may be pleased to allow the applicants to transfer temporarily till finalization of the cases pending before the Hon'ble Tribunal.

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VERIFICATION

I Shri Manoj Sahay, aged
about 40 years at present working as
Senior Dy. Accountant General
....., 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, 37 are true

to my knowledge and belief, those made in paragraph
2 to 36 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 20th day of Feb 2007 at Guntur

Msahay
DEPONENT