

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Sahil
25/12/17

(8th July 2006)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 206 of 2006
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) B. B. Deb

Respondent(s) U. O. I. Form

Advocate for the Applicant(s) M. Chanda, S. Nath
A. N. Chakraborty, Smt. U. Datta

Advocate for the Respondent(s) C. S. Chakraborty

Notes of the Registry	Date	Order of the Tribunal
This application is in for filing/C. F. for Rs. 50/- deposited via ATM/RTGS No. <u>246325776</u>	<u>17.8.06.</u>	Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.
Dated <u>12.8.06.</u>	<u>1m</u>	<u>Vice-Chairman</u>
<u>Sheets</u> By Registrar <u>AM</u> <u>ATM</u> <u>16.8.06</u>		
<u>8 slips of paper</u> <u>2/8/06</u> <u>AM</u> <u>Adv Chakraborty</u>		
<u>18.8.06</u> <u>C. Copy has been</u> <u>collected by the</u> <u>Advocate from</u> <u>applicant</u> <u>AM</u>		

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(O.A.No.206 of 2006.)

DATE OF DECISION: 17.08.2006.

Sri Bijoy Bhushan Deb

APPLICANT

Mr. Mr. M. Chanda

ADVOCATE FOR THE
APPLICANT(S)

VERSUS-

Union of India and ors.

RESPONDENTS

Mr. M. U. Ahmed, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

1. Whether Reporters of local papers may be allowed to see the judgments? *M*
2. To be referred to the Reporter or not? *M*
3. Whether their Lordships wish to see the fair copy of the judgment? *M*
4. Whether the judgment is to be circulated to the other Benches? *M*

Judgment delivered by Hon'ble Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Original Application No.206 of 2006.

Date of Order: This the 17th Day of August, 2006.

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

Shri Bijoy Bhusan Deb.
Assistant Audit Officer, Office of the
Principal AG(Audit) Beltola
Guwahati-29, Assam

Applicant

By Advocate Mr.M.Chanda, Mr.S.Nath, Mr.G.N.Chakraborty,
Smt.U.Dutta.

-Versus-

1. The Union of India,
Represented by the Comptroller & Auditor General,
Government of India,
10, Bahadukshah Zafar Marg
New Delhi-110002.
2. The Accountant General(Audit)
Beltola, Guwahati-29,
Assam.
3. The Accountant General
Nagaland, P.O.Kohima.

Respondents

By Advocate Mr.M.U.Ahmed Addl.C.G.S.C.

ORDER (ORAL)

SACHIDANANDAN, V.C:

The applicant was initially appointed as Auditor and posted at Kohima under the Administrative control of AG, Nagaland, Kohima. He was promoted to the post of Sr. Auditor in 1984 and further promoted to the cadre of Section Officer on 17.07.98. The applicant has undergone a by pass heart surgery at Apollo hospital, Chennai (Annexures 1 series) The applicant submitted a representation to the Principal AG(Audit) Meghalaya, Shillong requesting him to consider his transfer and posting at Guwahati under the AG (Audit) Assam.

The applicant finding no response to his representation dated 07.07.04 he has again filed representations dated 17.11.04 and 13.01.05. The Principal AG(Audit) Meghalaya, Shillong transferred the applicant and posted the applicant at Guwahati as AAO. The Comptroller and Auditor General of India, New Delhi has issued cadre separation policy. In terms of separation policy (Annexure 5) the applicant is allotted under AG (Audit), Assam, Guwahati and he is entitled to be retained at Guwahati. The Principal Accountant General (Audit) Assam, Guwahati issued the impugned order dated 08.08.2006 whereby the applicant alongwith 26 others are sought to be transferred and posted in different establishment of AG(Audit) in the N.E.Region., the applicant whose name figured at Sl.No.16 is now sought to be transferred from the office of the AG(Audit) Assam, Guwahati to the office of the AG(Audit) Assam, Arunachal Pradesh. It is mentioned here that the applicant was transferred and posted from Kohima to Guwahati due to his medical ground and therefore he seeking the following reliefs:-

- 8.1. The Hon'ble Tribunal be pleased to set aside and quash the impugned transfer and posting order under letter No.Estt.1/Audit /133 dated 08.08.2006(Annexure 7) so far the applicant is concerned.
- 8.2. That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting at Guwahati office i.e. in the establishment of AG (Audit) Assam, Beltola, Guwahati in terms of cadre separation policy dated 24.03.2006 as well as circular dated 30.03.2006 and also on consideration of medical problems of the applicant
- 8.3. Costs of application.
- 8.4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

2. I have heard Mr.M.Chanda learned counsel for the applicant and Mr.M.U.Ahmed learned Addl.C.G.S.C. for the Respondents.

When the matter came up for hearing the learned counsel for the applicant has submitted that the applicant is posted at Guwahati under AG (Audit) Assam on consideration of medical grounds and praying for a direction upon the respondents to allow the applicant to continue in the present place of posting at Guwahati in view of his seniority position as per separation policy dated 24.08.2006. The applicant has made several representations before the respondents against the impugned order dated 08.08.2006 but to no response. In the interest of justice this Court directs the applicant to file representation before the respondent No.2 within 15 days from to-day and on receipt of such representation, if filed by the applicant, the respondent No.2 or any other competent authority shall consider the representation within 1 month thereafter. The respondents shall a pass speaking order and communicate to the applicant. The transfer orders dated 08.08.2006 (Annexure 7) shall be kept in abeyance in so far the applicant is concerned and he may be allowed to continue in Guwahati. *✓ Till Representation is disposed of*

The application is accordingly disposed of. There will be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

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गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

O.A. No. 206 /2006

Shri Bijoy Bhushan Deb

-Versus-

Union of India & Others

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

10.09.1976- Applicant was initially appointed as Auditor and posted at Kohima under the Administrative control of AG, Nagaland, Kohima. He was promoted to the post of Sr. Auditor in 1984 and further promoted to the cadre of Section Officer on 17.07.98.

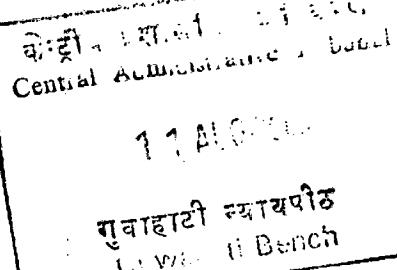
01.01.2002- Applicant was promoted to the cadre of Assistant Audit Officer, Gr. 'B', Gazetted category and as such the Accountant General (Audit) became the cadre controlling authority of the applicant.

10.05.2004- Applicant while working as AAO at Kohima he has undergone a by pass heart surgery at Appollo Hospital, Chennai in the month of April 2004. Sr. Consultant of Appollo Hospital, Chennai suggested the applicant to stay in a plane city with good cardiology facilities. (Annexure- 1 series)

07.07.2004- Applicant submitted a representation addressed to the Principal AC (Audit) Meghalaya, Shillong requesting him to consider his transfer and posting at Guwahati under the AG (Audit) Assam.

22.07.2004- AG (Audit) Nagaland, Kohima, vide D.O letter dated 22.07.04 forwarded the representation of the applicant certifying the genuineness of the problem of the applicant and requested the Principal AG (Audit) Assam, Meghalaya etc. shillong to consider the case of the applicant. (Annexure- 2 series)

17.11.2004, 13.01.05- Applicant finding no response to his representation dated 07.07.04 again submitted representations on 17.11.04 and 13.01.05 for consideration of his posting at Guwahati on medical ground. (Annexure- 3 series)



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19.01.2005- Principal AG (Audit) Meghalaya, Shillong vide his order dated 19.01.05 transferred and posted the applicant at Guwahati as AAO under the Principal AG (Audit) Assam. Accordingly applicant joined in the office of Principal AG (Audit) Assam, Guwahati and since then applicant is working at Guwahati. (Annexure- 4 series)

24.03.2006- Comptroller and Auditor General of India, New Delhi has issued cadre separation policy under his letter dated 24.03.06.
(Annexure- 5)

30.03.2006- AG (A&E) Assam, Guwahati vide his circular dated 30.03.06 issued cadre separation policy.
In terms of the cadre separation policy the applicant is allotted under AG (Audit) Assam, Guwahati in view of his position in the seniority list in the cadre of AAO as such he is entitled to be retained at Guwahati office on permanent basis.

08.08.2006- Office of the Principal Accountant General (Audit) Assam, Guwahati, by the impugned order dated 08.08.2006, whereby the applicant along with 26 others sought to be transferred and posted in different establishment of AG (Audit) in the N. E. Region, the applicant whose name figured at Sl. No. 16 is now sought to be transferred from the office of the AG (Audit) Assam, Guwahati to the office of the AG (Audit) Assam, Arunachal Pradesh.
Applicant who is suffering from cardiac logical problem and undergone a major surgical operation, and as a result the applicant is required to maintain much restriction in his day to day activities, in the food habit as well as in the matter of movement. It is pertinent to mention here that the applicant was transferred and posted from Kohima to Guwahati due to his genuine medical problem.
(Annexure- 7)

Hence this Original Application.

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned transfer and posting order issued under letter No. Esit-1/Audit/133 dated 08.08.2006 (Annexure- 7) so far the applicant is concerned.
2. That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in the present place of posting at Guwahati office i.e. in the establishment of AG (Audit) Assam, Beltola, Guwahati in terms

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of cadre separation policy dated 24.03.2006 as well as circular dated 30.03.2006 and also on consideration of medical problems of the applicant.

3. Costs of the application.
4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting order dated 08.08.2006 (Annexure- 7) only in respect of the applicant and also be pleased to pass order of status quo ante so far the applicant is concerned till final disposal of the case.

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गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case

O. A. No. 206 /2006

Shri Bijoy Bhushan Deb

Applicant

- Versus -

Union of India & Others:

Respondents.

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Filed by

S. Nata

Advocate

Date 16.08.06.

Bijoy Bhushan Deb.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 206 /2006

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filed by the applicant
through
S. N. S. A.
Advocate.
16.08.2006

BETWEEN

Shri Bijoy Bhusan Deb.
Assistant Audit Officer,
Office of the Principal AG (Audit),
Beltola, Guwahati- 29,
Assam.

...Applicant

-AND-

1. The Union of India,
Represented by the Comptroller & Auditor General,
Government of India,
10, Bahadur Shah Zafar Marg,
New Delhi. - 110 02.
2. The Accountant General (Audit)
Beltola, Guwahati-29,
Assam.
3. The Accountant General,
Nagaland, P.O- Kohima.

... Respondents.

Bijoy Bhusan Deb.

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned order dated 08.08.2006 (Annexure- 7) whereby the applicant is sought to be transferred and posted on deputation basis from Guwahati to Arunachal Pradesh, Itanagar, when the applicant is posted at Guwahati under AG (Audit) Assam on consideration of medical grounds and praying for a direction upon the respondents to allow the applicant to continue in the present place of posting at Guwahati in view of his seniority position in the cadre of AAO and also in consideration of his genuine medical problem and further in terms of cadre separation policy dated 24.08.2006 issued by the C&AG, New Delhi.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant was initially appointed as Auditor on 10.09.1976 and posted at Kohima under the Administrative Control of Accountant General, Nagaland, Kohima. Thereafter he was promoted to the post of Sr. Auditor in 1984 and he was further promoted to the cadre of Section

Bijay Bhawon Deo

Officer on 17.07.1998 and thereby he has become member of the common cadre with transfer liability to serve anywhere in North Eastern Region, thereafter, his service was placed under the Administrative control of Accountant General (Audit), Shillong. Be it stated that the post of Senior Auditor belongs to non-gazetted, Gr - 'C' category. *Sk*

4.3 That it is stated that on 01.01.2002 the applicant was promoted to the cadre of Assistant Audit Officer, Group B, Gazetted category and as such the Accountant General (Audit) Assam has become the cadre controlling authority of the applicant.

4.4 That your applicant while working at Kohima as Assistant Audit Officer (for short AAO) has undergone a major surgical operation i.e. By Pass Heart Surgery at Appollo Hospital, Chennai in the month of April 2004. However, after his discharge from the Appollo Hospital, Chennai, the applicant started suffering from certain post operation complicity and more particularly in view of his stay in a high altitude place at Kohima, therefore the senior consultant of Appollo Hospital, Chennai in his certificate dated 10.05.2004 suggested the applicant to stay in a plane city with good cardiology facilities. Even in Guwahati also, the applicant is always in touch with attending physician which would be evident from the medical documents and certificates issued by the medical authority.

(Copy of the certificate dated 10.05.2004 and other medical documents are enclosed as Annexure- 1 series).

4.5 That the applicant thereafter submitted representation on 07.07.2004 addressed to the Principal AG (Audit), Meghalaya, Shillong requesting him to consider his transfer and positing at Guwahati under the AG (Audit), Assam. In the said representation the applicant inter alia stated that he fell sick in the month of January 2004 since he has suffered from heart attack and thereafter it is reveled that he was suffering from

Bijay Bhunam Deb

Coronary Artery Disease (CAD): Triple Vessel Disease and accordingly advised him to undergo operation of Coronary Artery by pass graft Surgery (CABG). It is also pointed out by the applicant in his representation that Kohima is a place where modern facilities for treatment of such heart disease are not available. Moreover needs of daily life compels him to work frequently on uneven roads and climb up the hill stairs/slopes there at Kohima which is badly affecting his ailing health, and requested for his posting at Guwahati on medical ground. The said representation was duly forwarded by the Office of the AG (audit), Nagaland, Kohima vide D.O letter dated 22.07.2004 certifying the genuineness of the problem of the applicant and requested the Principal AG (Audit) Assam, Meghalaya etc., Shillong to consider the case of the applicant as a special case.

(Copy of the representation dated 07.07.2004 and forwarding letter dated 22.07.2004 is enclosed as Annexure- 2 series).

4.6 That the applicant finding no favorable response from the authority submitted representation dated 17.11.2004 and 13.01.2005 for consideration of his posting at Guwahati on medical ground. In the said representation also the applicant repeatedly pointed out that he is facing severe problem at Kohima on health ground and requested for consideration of his posting at Guwahati on compassionate ground vide his representation dated 17.11.2004 and 13.01.2005.

(Copy of the representations dated 17.11.2004 and 13.01.2005 are enclosed as Annexure- 3 Series).

4.7 That the office of the Principal AG (Audit) Meghalaya, Shillong vide office order bearing letter No. Estt. I/Audit/155 dated 19.01.2005 transferred and posted the applicant at Guwahati as AAO under the office of the Principal AG (Audit), Assam and pursuant to the office order dated

Bijay Bhawna Deb

19.01.2005, the applicant has joined in the present establishment at Guwahati on 18.04.2005, which would be evident from the office order no. Estt-I/Audit/34 dated 26.04.2005 and since then the applicant is working at Guwahati.

(Copy of the office order dated 19.01.2005 and letter dated 26.04.2005 are enclosed as Annexure-4 Series).

4.8 That it is stated that Comptroller and Auditor General of India, New Delhi has issued cadre separation policy vide letter no. 144 NGE (APP)/17-2004 dated 24.03.2006 and circular on cadre separation issued by the AG (A&E) Assam, Guwahati vide circular no. AG/SEP/Gr. 'B'/2006/141 dated 30.03.206, whereby it has been decided that the existing Gr. 'B' staff would be allocated on permanent posting against the required strength on the basis of the seniority of the officers who have exercised their option for allocation to such offices which are situated in North Eastern Region, irrespective of their base offices. It is further decided in the said policy that 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 cannot 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 for which number of optees is less than the required strength of that 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.

Be it stated that applicant is a Gr. B officer working in the cadre of AAO, and presently posted under the AG (Audit) Assam, Guwahati.

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(Copy of the policy dated 24.03.2006 and circular dated 30.03.2006 are enclosed as Annexure- 5 and 6 respectively).

4.9. That it is further stated that so far the applicant came to learn that in terms of cadre separation policy, the applicant is allotted under AG (Audit) Assam, Guwahati in view of his position in the seniority list in the cadre of AAO. As such he is entitled to be retained at Guwahati office on permanent basis. In terms of the cadre separation policy, the applicant is also otherwise entitled to be retained at Guwahati office under AG (Audit) Assam, in view of the fact that he was transferred and posted at Guwahati only in the month of January 2005 on medical ground from the office of the AG (Audit) Nagaland, Kohima. It is pertinent to mention here that the applicant has rendered 30 years of service at Kohima, in the state of Nagaland under the AG (Audit) Nagaland, Kohima, but thereafter he had undergone a major surgical operation i.e. By-pass Heart Surgery at Apollo, Chennai in the month of April/May 2005 and thereafter the Senior Consultant Cardiologist suggested the applicant to stay in a plane city in other words to avoid high altitude place like Kohima and accordingly the applicant submitted representation for posting at Guwahati on medical ground and ultimately the authority was pleased to accommodate the applicant at Guwahati by way of transfer. It is hardly after 1 year and 7 months the applicant is again sought to be transferred at Shillong in another high altitude place, by the impugned order dated 08.08.2006 without providing any opportunity for submission of representation. As such the impugned order of transfer is not sustainable in the eye of law.

4.10. That it is stated that the office of the Principal Accountant General (Audit) Assam, Guwahati, by the impugned order bearing letter no. Estt-1/Audit/133 dated 08.08.2006, whereby the applicant along with 26 others sought to be transferred and posted in different establishment of AG

Bijay Bhawar Deb

(Audit) in the N. E. Region, the applicant whose name figured at Sl. No. 16 is now sought to be transferred from the office of the AG (Audit) Assam, Guwahati to the office of the AG (Audit) Assam, Arunachal Pradesh. However, it is further stated that the personal deputed to the office of the AG (Audit), Arunachal Pradesh, Itanagar, they are to initially report to the office of the Principal AG (Audit) Meghalaya, Shillong. In this connection it may be stated that the transfer and posting issued in respect of the applicant and others are on deputation basis and they will be placed at the disposal of the offices where they have been allocated permanently after finalization of the pending court case. Against the name of the applicant there is a "star mark" which is the indication of his allocation to Guwahati office as stated in the impugned order. It is ought to be mention here that neither at Shillong, nor at Itanagar sufficient medical facilities are available for a patient like applicant who is suffering from cardio logical problem and undergone a major surgical operation, and as a result the applicant is required to maintain much restriction in his day to day activities, in the food habit as well as in the matter of movement. Moreover, the applicant is required to go for constant medical check up and such facilities are available at Guwahati only. Therefore, it will be difficult on the part of the applicant to stay at any other place in N.E. Region due to his serious ailment. It is pertinent to mention here that the applicant was transferred and posted at Guwahati due to his genuine medical problem and on that ground alone the impugned transfer and posting order dated 08.08.2006 is liable to be set aside and quashed, so far the applicant is concerned.

(Copy of the impugned transfer and posting order dated 08.08.2006 is enclosed as Annexure- 7).

4.11 That it is stated that the impugned order of transfer and posting has been issued on 08.08.2006 afternoon and the authority in a most arbitrary and

Bijoy Bhawon Deb

unfair manner stated in the said impugned order that the applicant is stand relieved w.e.f 08.08.2006 and as a result the authority did not provide him any scope to submit any representation before the competent authority to consider his prayer for retention at Guwahati at least on medical ground. It is needless to mention here that in the impugned order dated 08.08.2006 itself, it has been stated by the respondent that the applicant is allocated to Guwahati office but presently his service is placed under the AG (Audit), Arunachal Pradesh, on deputation basis and he will be repatriated back after finalization of the pending court cases. Therefore action of the respondent in transferring the applicant from Guwahati to Shillong by the impugned order dated 08.08.2006 is penal in nature and the impugned order of transfer and posting is punitive in nature. More so when the applicant is suffering from serious ailment, therefore on that score alone the impugned transfer and posting order dated 08.08.2006 is liable to be set aside and quashed, so far applicant is concerned.

4.12 That it is stated that in the facts and circumstances stated above the applicant has no other alternative but to approach this Hon'ble Tribunal for protection of his legal right and interest by passing an appropriate order/interim order staying the operation of the impugned order dated 08.08.2006 in respect of the applicant and further be pleased to pass an interim order granting status quo ante to protect the right and interest of the applicant.

4.13 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicant is a heart patient and has undergone major surgical operation i.e. By- Pass heart surgery at Appollo Hospital, Chennai and also suffered heart attack earlier, under such compelling circumstances

By Joy Bhawar Deb

applicant prayed for transfer and posting from hard stations like Kohima, Nagaland to Guwahati, Assam on medical ground and accordingly after consideration of his representations and genuine medical problem the competent authority was pleased to accommodate the applicant at Guwahati by way of transfer that too after rendering 30 years of service at the hard station at Kohima as such further transfer and posting within a span of 1 year 7 months in a high altitude place like Shillong will cause irreparable loss and injury to the applicant and his health, if the impugned order of transfer and posting order dated 08.08.2006 is implemented so far the applicant is concerned.

5.2 For that, the applicant has already rendered near about 30 years service at Kohima and thereafter transferred and posted at Guwahati on medical ground and accordingly joined only in the month of April 2005. Therefore his further posting at Shillong and his placement at AG (Audit), Arunachal Pradesh following the impugned order dated 08.08.2006 is not sustainable in the eye of law.

5.3 For that, in view of the seniority position of the applicant's service is allocated under AG (Audit), Assam as indicated in the impugned order dated 08.08.2006, as such his further transfer and posting at Shillong by the impugned order dated 08.08.2006 is contrary to the policy of cadre separation issued by the Comptroller and Auditor General (New Delhi) vide letter dated 24.03.2006 and also contrary to the circular issued by the AG (Audit), Assam.

5.4 For that, applicant needs constant medical check up, which is available at Guwahati but his posting at high altitude place at Shillong will cause irreparable loss and injury to the health condition of the applicant, when the Sr. Consultant Cardiologist advised the applicant to stay in a plane area for the sake of his health condition as such impugned order of

Bijay Bhawar Deb

transfer and posting order dated 08.08.2006 is liable to be set aside and quashed so far the applicant is concerned.

- 5.5 For that, the impugned order has been issued on 08.08.2006 with an ulterior motive and on the same day the applicant and others has been shown as stand released w.e.f. 08.08.2006 (A/N) with the deliberate intention to restrain the applicant to make any representations for retention at Guwahati on medical ground.
- 5.6 For that, in terms of cadre separation policy dated 24.03.2006 as well as circular dated 30.03.2006, applicant is entitled to be posted at Guwahati office on permanent basis and on that score alone the impugned order of posting dated 08.08.2006 is liable to be set aside and quashed.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on

Bijay Bhawna De

perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned transfer and posting order issued under letter No. Estt-1/Audit/133 dated 08.08.2006 (Annexure- 7) so far the applicant is concerned.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting at Guwahati office i.c. in the establishment of AC (Audit) Assam, Beltola, Guwahati in terms of cadre separation policy dated 24.03.2006 as well as circular dated 30.03.2006 and also on consideration of medical problems of the applicant.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief:-

- 9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting order dated 08.08.2006 (Annexure- 7) only in respect of the applicant and also be pleased to pass order of status quo ante so far the applicant is concerned till final disposal of the case.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) L.P.O. No.	:	26 G 325976
ii) Date of Issue	:	14.8.06
iii) Issued from	:	GPO Guwahati
iv) Payable at	:	GPO Guwahati

12. List of enclosures.

As given in the index.

Bijoy Bhawarwadel

VERIFICATION

I, Shri Bijoy Bhusan Deb, S/o Late Binoy Bhusan Deb, aged about 52 years, working as Asstt. Audit Officer in the office of Principal AG (Audit) Assam, Beltola, Guwahati- 29, applicant in the original application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 16th day of August 2006.

Bijoy Bhusan Deb.

DISCHARGE SUMMARY

GENERAL INFORMATION

Hospital No.1049413-

Name: Mr Bijoy Bhusan DcB

Address: Bishnupally
Hojai
Nagoan - 782435
Assam

Age : 49 yrs
Sex : Male
Blood Group : AB +ve
Date Of Admission : 27/04/04
Date Of Discharge : 06/05/04

Name of Cardiologist : Dr Ashok Kumar J
Name of Surgeon : Dr C S Vijayashankar
Catheterising Cardiologist : Dr A K Boro
Hospital : GNRC Heart Institute, Guwahati
Date of Catheterisation : 02/03/04
Date of Surgery : 28/04/04
DIAGNOSIS : CORONARY ARTERY DISEASE

SYMPTOMS AND HISTORY

This 49 year old gentleman, hypertensive since 4 years, diabetic since 2 years, ex-smoker was admitted with history of Inferior Wall MI in January 2004 and class II angina since 3 years for further cardiac evaluation. He was evaluated elsewhere by cardiac cath and coronary angiography which revealed triple vessel disease with normal LV function. He was advised CABG surgery.

CLINICAL EXAMINATION:

On admission, he was haemodynamically stable with a pulse rate of 80/min and a BP of 120/80 mm Hg. Examinations of the cardiovascular and respiratory system were normal.

*Attested
Dr. S. K. Deka*

27-
Baseline Investigations

11/30/04 10:40 AM

11/30/04 10:40 AM

11/30/04 10:40 AM

BASELINE INVESTIGATIONS:

X-RAY CHEST

Normal

ECG

LWMI

BLOOD SUGAR - F/PP (mgs%)

116/112

CHOLESTEROL (mgs%)

167

TRIGLYCERIDES (mgs%)

128

HDL (mgs%)

48

LDL (mgs %)

99

CHOLESTEROL : HDL

3.5

HBsAG

-ve

UREA (mgs%)

22

CREATININE (mgs%)

0.9

URIC ACID (mgs%)

5.9

URINE

Normal

PRE OP ECHO : Regional wall motion abnormality involving basal and mid inferior wall, non dilated LV, adequate LV systolic function.

CARDIA CATH

DATE OF CATH 02/03/04

Ao.Pr.Sys/diast (mm) 150/90

LV Pr.Sys. (mm) LVEDP 150/18

DOMINANCE Right Dominant

ANGIOS:

- LAD 70% after D2
- D2 70% ostial
- LCx. 100% after OM3
- RCA 70-80% proximal

LV ANGIO -

Akinesia of Posterobasal wall.

In view of his symptoms and angiographic findings, he was taken up for CABG surgery on 28/04/04.

SURGERY INFORMATION

DATE OF SURGERY

28/04/04

Through a limited median sternotomy on a beating heart without conventional cardiopulmonary bypass aorto coronary saphenous vein grafting to.

Second diagonal artery

The left radial artery was grafted to the
Right coronary artery

The left internal mammary artery was grafted to
Left anterior descending artery

POST OP PERIOD: Uneventful

ADVICE ON DISCHARGE:

Diet: 1500 K cal, low fat, low cholesterol, low salt diet.

MEDICATION:

T. Ranitidine 150mg twice daily 15 mins before food for 2 weeks

C. Beccosules once daily after lunch for 1 month.

AAO (SS) = 124 / = 113
So (v) 1.9

- 1. T. Combiplet DS once daily after lunch till review.
- 2. T. Cardace 5mg twice daily till review.
- 3. T. Indur 30mg once daily till review.
- 4. T. Aztor 20mg once daily after dinner till review.
- 5. T. Angizem CD 90mg once daily for 6 months
(In view of left radial artery graft being used)

Periodic monitoring of blood pressure and blood sugar and anti-hypertensives and anti-diabetics to be adjusted if necessary as advised by the Diabetologist/Physician

To come for review after 3 months with prior appointment

Dr C S Vijayashankar
Consultant Cardio Thoracic Surgery
Dept. of Cardio Vascular & Thoracic Surgery

Dr G Sridevi
Resident

Asymptomatic
decalcification
- all in spite
of -

4/8
प्राप्ति लेखा प्रतीका अधिकारी
Senior Audit Officer
कार्यालय प्रभाग गहालेला कार्यालय, पर्याकारा
Office of the Principal Accountant General (Audit)
असम बेलनक, गुवाहाटी
Assam, Beliaghata, Guwahati-29.

$$AA0(ss) = 124 \quad | = 110$$



Apollo
Hospitals
Chennai

DR. C.S. VIJAY SHANKAR
Cardio Thoracic Surgeon

Senior Consultant :
Dept. of Cardio Vascular & Thoracic Surgery
Apollo Hospital, Chennai

10.5.2005

Mr. BISWAS DEB
Has undergone bypass
surgery. It would be
better for him to stay in
a place with a city with
good cardiology facilities than
in hilly places

CS Vijay Shankar
22/5/05

Dr. C.S. VIJAY SHANKAR, M.B.B.S.
CONSULTANT CARDIAC SURGEON
APOLLO HOSPITAL CHENNAI - 600 006
CIVIL SURGEON - Rd. No. 2209
INDIAN MEDICAL SERVICE

Attested
(Signature)
Senior Audit Officer
Office of the Principal Accountant General (Audit)
Assam, Beliaghata, Guwahati-29.

Apollo Hospital : 21, Greams Lane (Off Greams Road), Chennai-600 006, India.
Phone : 91-44-28293278, 28296443 Grams : "APOLLOHOSP"
E-Mail : vjshanker2000@eth.net

Home Phone : 91-44-2827 5898, Cellular Phone : 98400-42624, Fax : 91-44-28332296

Attested
1/5/05
Advocate

11 March

To

The Pr. Accountant General (Audit)
Meghalaya etc., Shillong
Shillong - 793 001

(Through proper channel)

Subject:- Prayer for transfer to the Office of the Accountant General (Audit), Assam, Guwahati

Respected Sir,

Most respectfully I beg to lay before you the following few lines for favour of your kind consideration and sympathetic action.

That Sir, I had joined in the Office of the Accountant General, Nagaland, Kohima on 10.9.1976 as Auditor. Consequent on passing the Section Officer's Grade Examination (Audit-Civil branch), I have been promoted to officiate as Section Officer with effect from 17 July 1998 and as Assistant Audit Officer with effect from 1 January 2002 in the Office of the Accountant General (Audit), Nagaland, Kohima. Since the date of joining, I have been rendering my services to the best of my abilities and satisfaction of my superior authority.

That Sir, in the month of January 2004, I fell ill after heart attack and revealed Coronary Artery Disease (CAD): Triple vessel Disease and advised me to undergo operation of Coronary Artery By Pass Graft Surgery (CABG). Accordingly, as per recommendation and approval of Medical Boards and Director of Medical Services, Kohima, I moved to Apollo Hospitals, Chennai in the month of April 2004. In view of my symptoms and angiographic findings I was taken up by the Apollo Hospital, Chennai for CABG surgery on 28 April 2004 and released on 6 May 2004 (copy enclosed for reference) with an advice time to time, I have to move to Chennai for review of my health. Moreover, it is also advised periodic monitoring of blood pressure, sugar and anti hypertensive/diabetics to be checked by the Diabetologist/physician.

You may be aware that Kohima is a place where modern facilities for treatment of such type of heart's disease are not available. Moreover, needs of daily life also compels me to walk frequently on uneven roads and climb up the hill stairs/slopes here at Kohima which is badly affecting my ailing health.

In consideration of above, doctors have advised me to be in a plain area and in a city with good cardiology facilities than in hilly places and where movement is easier and modern facilities of medical treatment are easily and frequently available (Copy enclosed).

Incidentally, it has been reliably learnt that the case of my transfer to the Office of the Accountant General (Audit), Assam, Guwahati during 2004 is already under your active consideration and hope that action towards the above will be taken accordingly at the earliest in consideration of my health condition.

Attested
Jai
Advocate

I would, therefore, request your goodself to consider my case sympathetically and get me transferred to the Office of the Accountant General (Audit), Assam, Guwahati at the earliest so that I can tide over the crisis.

For such act of kindness, I and my family shall remain profoundly grateful to you.

Enclosed:- As stated

Dated. Kohima 7th July 2004

Yours faithfully,

BIJOY BHUSAN DEB
(BIJOY BHUSAN DEB)
Asstt. Audit Officer,
O/o the AG (Audit), Nagaland, Kohima

महालेखाकार (लेखापरीक्षा), नागालैण्ड
कोहिमा - 797 009

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), NAGALAND
KOHIMA - 797 001

Phone : (0370) 2225309, 10, 11, 12 & 13. Fax : 2244788

A.P. Chophy, IA&AS
Sr. Dy. Accountant General (Audit)

D.O.No Admin/Audit/2-19/20032-2003/489
Date: 22nd July 2004



30

Dear Sir,

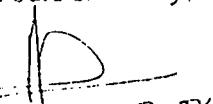
I am to forward herewith the representation of Shri Bijoy Bhushan Deb, Assistant Audit Officer, the representation itself is a explanatory.

While forwarding the representation I would like to invite reference to your letter No. Estt.I/Audit/ 12-3/02-03/2682 dated 2-12-2002 whereby it was informed that his case would be considered during 2004, moreover, I am fully convinced of the genuineness of the case and thus request you to kindly ^{consider} his request as a special case considering the merit of the case.

Enclo :- Representation alongwith
medical certificates.

With regards

Yours sincerely,


22.7.04

Shri Rajib Sharma,
Principal Accountant General (Audit),
Assam, Meghalaya etc.
Shillong.

Attested
Rajib
Advocate

To

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

(Through proper channel)

**Subject :- Prayer for transfer to the Office of the Accountant General
(Audit) Assam, Guwahati.**

Respected Sir,

With due respect and humble submission, I beg the honour to lay before you the following few lines for favour of your kind and sympathetic consideration please.

That Sir, I had joined in the Office of the Accountant General (Audit) Nagaland, Kohima as an Auditor on 10-09-1976 and have been promoted to officiate as Asstt. Audit Officer with effect from 01 January 2002 in the Office of the Accountant General (Audit) Nagaland, Kohima. Since the date of joining, I have been rendering my services to the best of my abilities and satisfaction of my superior authorities.

That Sir, in the month of January 2004, I fell ill after heart attack and compelled to undergo operation of Coronary Artery By-Pass Graft Surgery (CABG) at Apollo Hospital, Chennai on 28-04-2004. The doctors have advised me to be in a plain area and in a city with good Cardiology facilities than in hilly places and movement is easier and modern facilities of medical treatment are easily and frequently available.

You may be aware that Kohima is a hilly place and climb up the hill stairs/slopes which is badly affecting my ailing health and modern facilities for treatment of such type of heart's disease is also not available at Kohima.

That Sir, considering necessity of presence at Guwahati due to major heart surgery which had already been explained in my earlier representation dated 07 July 2004 (copy enclosed for ready reference). But unfortunately my representation dated 7 July 2004 was neither acknowledged nor any action was taken by the CCA considering the genuineness/gravity of the case.

In this connection, it is also mentioned that it has been reliably learnt that the case of my transfer to the Office of the Accountant General (Audit) Assam, Guwahati during 2004 is already under your active consideration and hope that action towards the above will be taken accordingly at the earliest in consideration of my present health condition.

In view of the facts stated above, I would fervently implore your benign authority to review my case considering gravity of my problems and expedite my early transfer to the Office of the Accountant General (Audit) Assam, Guwahati on priority basis/ humanitarian ground as a special case so that I can tide over the crisis and for such act of your kind and sympathetic consideration, I and my family shall remain profoundly grateful to you.

Surgical report and doctor's certificate had already been submitted alongwith the representation dated 07 July 2004 for information and sympathetic consideration.

Enclo :- As stated.

Dated, Kohima
the 11th November 2004.

Yours faithfully,

Bijoy Bhutan Deb.

(BIJOY BHUSAN DEB)
Asstt. Audit Officer
Office of the Accountant General (Au)
Nagaland, Kohima.

VO

To

The Accountant General (Audit)
Nagaland, Kohima

Subject:-

Request for taking up the transfer case to the Principal Accountant General (Audit), Shillong for office of the Accountant General (Audit), Assam, Guwahati

Sir,

With due respect and humble submission, I beg to state that my representation dated 7 July and 17 November 2004 on medical ground (patient of By pass surgery) regarding consideration of my transfer to office of the Accountant General (Audit), Assam, Guwahati was forwarded by this office to office of the Principal Accountant General (Audit), Shillong being Cadre Controlling Authority (CCA) considering the depthness, genuineness and merit of the case. But unfortunately representation dated 7th July and 17th November 2004 were neither acknowledged nor any action were taken by the CCA considering the genuineness and merit of the case.

You may be aware that Kohima is a place where modern facilities for treatment of such type of heart's disease are not available. Moreover, needs of daily life also compels me to walk frequently on uneven roads and climb up the hill stairs/slopes here at Kohima which is badly effecting my ailing health.

In consideration of above, doctors have also advised me to be in a plain area and in a city with good cardiology facilities than in hilly places and where movement is easier and modern facilities of medical treatment are easily and frequently available which is not at all fully possible at Kohima. Now because of compelling reasons due to my deteriorating health condition arising out of heart problems. Therefore, once again I would like to request personal intervention of our Honourable Accountant General (Audit) so that my transfer case may be taken up with the Pr. Accountant General (Audit), Shillong in consideration of my health condition so that my case may be considered/settled at the earliest. You may also admit that had I been transferred at plain area like Guwahati I can avail better medical services.

For which act of kindness I and my family shall remain profoundly grateful to you.

Yours faithfully,

Bijoy Bhushan Deb
13/11/05

(Bijoy Bhushan Deb)
Asstt. Audit Officer
O/o the AG (Audit), Nagaland
Kohima -797 001

13/11/05
SG Adm.

Attested
T. S. Deb
A. W. Scale

OFFICE OF THE PRACTICING ACCOUNTANT GENERAL (AUDIT)
MEGHALAYA ETC., SHILLONG - 793 (HIL).

Dated : 19.01.2005.

Office Order No. 5341/Audit/155

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

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

(i) In terms of FR 22.1 (a)(x), read with GOI orders thereunder, they are required to exercise option (i) and within one month from the date of their joining as Section Officer (Audit).

(ii) On their promotion as Section Officer (Audit), they are placed on probation for a period of two years. The date of their taking over charge is with reference to new place of posting.

Name	Present place of posting	Place of posting on promotion.
Ch. Smt.		
Umesh Ch. Sarkar	O/o the P. A.G. (Audit), Assam, Guwahati	O/o the P. A.G. (Audit), Assam, Guwahati against existing vacancy
Mani Sandan	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Sebabrata Mazumdar, SC repatriated to the O/o the P. A.G. (Audit), Assam, Guwahati
Sanjoy Sek. Gupta	O/o the P. A.G. (Audit), Tripura, Agartala	O/o the P. A.G. (Audit), Tripura, Agartala vice Shri Bhupan Bhattacharya, SC repatriated to O/o the P. A.G. (Audit), Meghalaya etc., Shillong.
Partha Sarathi Chatterjee	O/o the P. A.G. (Audit), Tripura, Agartala	O/o the P. A.G. (Audit), Tripura, Agartala vice Shri Biswajit Choudhury, SC repatriated to the O/o the P. A.G. (Audit), Assam, Guwahati
Santoku Bhattacharjee	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Jishu Bhattacharjee, SC repatriated to the O/o the P. A.G. (Audit), Assam, Guwahati
Ranil Ghosh	O/o the P. A.G. (Audit), Assam, Guwahati	O/o the P. A.G. (Audit), Assam, Guwahati Against the existing vacancy
Bikash Ran. Das	O/o the P. A.G. (Audit), Assam, Guwahati	O/o the P. A.G. (Audit), Assam, Guwahati Against the existing vacancy.
Chidemo Shurie	O/o the A.G. (Audit), Nagaland, Kohima	O/o the A.G. (Audit), Nagaland, Kohima vice Shri Bijoy Bhutan Deb. AAO transfer to the O/o the P. A.C. (Audit), Assam, Guwahati
M. G. Mesh	O/o the P. A.G. (Audit), Meghalaya etc., Shillong	O/o the P. A.C. (Audit), Meghalaya etc., Shillong against existing vacancy
Govind Bhowmick	O/o the P. A.G. (Audit), Assam, Guwahati	O/o the A.G. (Audit), Manipur, Imphal vice Shri Babul Ch. Das. SC repatriated to the O/o the P. A.G. (Audit), Assam, Guwahati.

This transfer is in the interest of public service.

Conid... n/

After fed
Law.
Advocates 18/4/05

35

Authority of Pr. Accountant General (Audit)'s Orders dated 19-11-2005 at page 3 of file
No.DAG (A)/Con-C/DPG/5.Ov/2005.]

50

Deputy Accountant General (Admn)

File No. E-Set-I/Andh/10-43/2004-05/3406-337

Dated: 10/1/2005

Call for information and necessary action.

Th. Deputy Director, O/o the Director General of Audit, P&T, S.W.I.C. Branch Audit Office,
33 B.B.D. Bagh, South, Kolkata - 700 001.

The A.G. (Au), Tripura, Agartala. The enclosed PCs may be handed over to the official's concerned and the date of joining of Shri S. Sen Gupta and Shri F.S. Chakraborty as well as date of release of Shri B. Sinha and Shri R. Choudhury. SCs may please be intimated in this office for record.

Enck's 4 Pcs

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

Environ. Pol.

The P.A.O. (Audit) Manipur, Imphal. The enclosed P.C may be handed over to the official concerned. The date of joining of S/ Shri Joyeet Bhattacharjee and the date of release of Shri B.C. Datta & S/ Shri K. K. please be intimated to this office for record.

Ency. Brit. C.

The Sr. Deputy Accountant General (Admn.), O/o, The Pt.A.G (Audit), Assam, Beltola, Maidamgaon, Guwahati-29. Enclosed P.Cs. may be handed over to the officials concerned. The date of joining of S.Sesj N.C Sarker, R. Chongkai, B.R. Das, S. Marindar, B. Choudhury, J. B. Majumdar, P. P. Deb and B.C. Das as well as the date of releases of Shri Joydev Bhownick may please be intimated to this office for record.

Enchanted P.C.s

The Secretary-in-Pr. A.G. (Audit), Assam Heirloom Maidamkaon, Guwahati-2.

THE SECRETARY TO THE EX. A/C AUTH. NAGHALAYA & CO. SAILLIGE.

The Secretary of the State (Recd.), P.A.
The Secretary of State, Recd. & Exam.

The St. Andrew's Record

THE PAPAL LEGAL

1970-1980, 1980-1990, 1990-2000, 2000-2010, 2010-2020, 2020-2030, 2030-2040, 2040-2050, 2050-2060, 2060-2070, 2070-2080, 2080-2090, 2090-2100, 2100-2110, 2110-2120, 2120-2130, 2130-2140, 2140-2150, 2150-2160, 2160-2170, 2170-2180, 2180-2190, 2190-2200, 2200-2210, 2210-2220, 2220-2230, 2230-2240, 2240-2250, 2250-2260, 2260-2270, 2270-2280, 2280-2290, 2290-2300, 2300-2310, 2310-2320, 2320-2330, 2330-2340, 2340-2350, 2350-2360, 2360-2370, 2370-2380, 2380-2390, 2390-2400, 2400-2410, 2410-2420, 2420-2430, 2430-2440, 2440-2450, 2450-2460, 2460-2470, 2470-2480, 2480-2490, 2490-2500, 2500-2510, 2510-2520, 2520-2530, 2530-2540, 2540-2550, 2550-2560, 2560-2570, 2570-2580, 2580-2590, 2590-2600, 2600-2610, 2610-2620, 2620-2630, 2630-2640, 2640-2650, 2650-2660, 2660-2670, 2670-2680, 2680-2690, 2690-2700, 2700-2710, 2710-2720, 2720-2730, 2730-2740, 2740-2750, 2750-2760, 2760-2770, 2770-2780, 2780-2790, 2790-2800, 2800-2810, 2810-2820, 2820-2830, 2830-2840, 2840-2850, 2850-2860, 2860-2870, 2870-2880, 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Q,IS GROUPS.F.M.P.C.
Officially recognized

Officials concerned.

Writings of John Wesley

28/1

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

Dated: 26/04/2005

O.O. No. Estt-I/Audit/34

Pursuant to office order No. Estt-I/Audit/155 dated 19-01-2005 of the office of the Principal Accountant General (Audit), Meghalaya, etc., Shillong, Shri Bijoy Bhusan Deb, A.A.O. has joined this office on 18-04-2005 (F/N) on his transfer from the office of the Accountant General (Audit), Nagaland, Kohima.

Authority: Deputy Accountant General (Admn)'s order dated 25-04-2005 at P/6^N in the file No. Estt-I/Audit/9-11/2005-06.

Sd/-
Sr. Audit Officer (Admn)

Dated: 26/04/2005

Memo. No. Estt-I/Audit/9-11/2005-06/327-340

Copy to:

1. The Principal Director of Audit, N.F. Railway, Maligaon, Guwahati-11.
2. The Principal Accountant General (Audit), Meghalaya, etc., Shillong-1.
3. The Accountant General (Audit), Nagaland, Kohima.
4. The P.A.O., O/o the A.G. (A&E), Assam, Guwahati-29.
5. The Secretary to Principal Accountant General (Audit), Assam.
6. The P.A. to Deputy Accountant General (A), Local.
7. The AAO/Estt-2 Section.
8. The AAO/Record Section.
9. The Budget Group.
10. The office order file.
11. The person concerned.
12. SB/PC group.
13. Hindi Cell.

Very 26/4
Sr. Audit Officer (Admn)

*Attested
Date
T. D. S. S. S. S.*

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

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

Dated: 24.03.2006

24.03.2006

37

Ar.

To

The Pr. Accountant General (AO),
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 along with 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 increasing 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 hope to have the separated cadres in place as on 01-06-2006.

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

Yours faithfully,

Enclo: As above.

11/11
(Manish Kumar)
Assistant Comptroller and
Auditor General (I&A)

*After to
Saf.
Advocate*

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

I One time option for allocation to a particular office may be called for from the existing Group 'B' officers belonging to common cadre by the present cadre controlling authorities i.e. PAG (Audit) Meghalaya etc., Shillong and AG (A&E) Assam, Guwahati. The optees shall be required to indicate their preference.

II Vacancies in combined cadre may be proportionately distributed among all the concerned offices and the existing staff may be allocated to various offices against the required strength i.e. sanctioned strength minus vacancies proportionately distributed in each cadre.

III Permanent posting of Group 'B' officers of common cadre against the required strength of various Civil Audit/A&E offices shall be made by the respective cadre controlling authorities strictly on the basis of the seniority of the officers, who have exercised their option for allocation to such offices, irrespective of their base office.

IV If the number of optees for a particular office is more than the required strength of that office, the excess persons in each cadre (SAO/AO/AAO/SO), who can not be accommodated in the office of their preference against the required strength of that office as per their seniority, shall be posted on deputation basis to the office viz. deficit offices. If sufficient volunteers are not available for such posting on deputation basis, the junior most persons in excess of required strength in each cadre shall be sent to deficit office on deputation basis. No willingness shall be necessary for this purpose but deputation allowance shall be payable. However, they may be asked to give their preference for such posting mentioning the names of deficit offices and as far as possible they may be posted to such deficit offices on the basis of their seniority and preference given by them for this purpose. These persons shall be posted to the office of their choice on the basis of their seniority on availability of subsequent vacancies against the required strength in such offices. The surplus optees shall also form part of the cadre of their office for which option was exercised by them.

V If the number of optees for a particular office is less than the sanctioned strength of that office all the optees shall be allocated to that office. The remaining vacancies shall be filled up by deputation of surplus optees as per guidelines laid down at IV above. The vacancies arising due to repatriation of the deputationists to the office of their choice will be filled up by the concerned offices as per provisions contained in the Recruitment Rules for the concerned posts.

VI The promotions to Group 'B' posts after the separation of cadre shall be made by the concerned offices from amongst the eligible officers of their office. However, in surplus offices no further promotion will be made till all the surplus optees posted to deficit offices on deputation basis are accommodated in these offices.

VII Direct recruitment will be done in the deficit offices only against the requisition already placed/to be placed to Staff Selection Commission.

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

Name of the Office	Sanctioned Strength		M.I.P AAO/SO	Short A.A. S.I.
	SR.AO/AO	AAOs/SOs		
Shillong	20+8	37+13	27+4	10 9
Guwahati	42+9	113+17	86+13	27 4
Agartala	12+4	30+8	26+2	4 6
Imphal	13+3	15+4	10+3	5 1
Kohima	6+3	18+5	17+10	11 05
Total	93+27	213+47	156+32	57 15

S/S minus Vacancy
= Required Strength

(Photostat Copy)

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

Circular on Cadre Separation

Circular No. AG/Sep/Gr.'B'/2006/141

Dated 30/3/2006

- I. Headquarters office has decided to separate the common Group 'B' cadre from Section Officers to Sr. Accounts Officers in the A&E offices of the N.E. region hitherto controlled by the Accountant General(A&E) Assam, Guwahati.
- II. The offices to which the staff may exercise their one time option are the A&E offices at Assam, Meghalaya, Manipur, Tripura, Nagaland and the newly created offices of Mizoram and Arunachal Pradesh.
- III. The separation of Group 'B' cadres would be in accordance with the following criteria :-
- IV. The existing staff may be allocated on permanent posting against the required strength on the basis of the seniority of the officers who have exercised their option for allocation to such offices, irrespective of their base office.
- V. If the number of optees for a particular office is more than the required strength of that office, the excess persons in each cadre (SAC/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 for which number of optees is less than the required strength of that 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.
- VI. 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 by deputation of surplus optees as per guidelines laid down at V above. The vacancies arising due to reprimarition 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.
- VII. 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.
- VIII. Direct recruitment will be done in the deficit offices only against the requisition already placed/to be placed to Staff Selection Commission.
- IX. With a view to implement the above scheme of separation of cadres of Group 'B' posts, all the present Group 'B' Officers (Section Officers to Senior Accounts Officers including those on deputation and on foreign service) of this office are hereby directed to exercise their options in the enclosed "FORM OF OPTION" and submit the same to the Senior Accounts Officer/Admin. of this office by 15th April, 2006 positively. He should also prepare a list of officers on leave and ensure sending of this circular with 'Option Form' to them by Registered post.

Sr. Dy. Accountant General (Admin.)

Filed.
For Local

कार्यालय प्रधान महालेखाकार (लेखापरीक्षा), असम, बेलतला, गुवाहाटी-29

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

No. Estt-1/Audit/133

Dated: 08/08/2006

In pursuance of Order No. 1st /Order No. 58 dated 8th August 2006 by Principal Accountant General (Audit) Meghalaya etc. Shillong regarding policy on Cadre Separation the following group B officers and hierarchy transferred and posted on deputation basis to the offices as noted against their names shown below:

Sl. No.	Name & Shri/Smt	Designation	Present in place of posting	Place of posting on deputation
1	Sankar Das Paul	Sr. A.O.	O/o the P.R. A.G. (Audit) Assam, Guwahati-29	O/o the A.G. (Audit) Assam, Itanagar
2	Hiten Ch. Dutta	Sr. A.O.	-DO-	O/o the A.G. (Audit) Nagaland, Kohima
3	Kamaleshwar Borah	Sr. A.O.	-DO-	O/o the A.G. (Audit) Nagaland, Kohima
4	Ashutosh Deli	Sr. A.O.	-DO-	O/o the A.G. (Audit) Nagaland, Kohima
5	Ashish Kumar Achurjee	Sr. A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizwal
6	Dwijesh Ranjan Saha	Sr. A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizwal
7	Tapan Kr. Halder	Sr. A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizwal
8	Dipan Kr. Das	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
9	Ramadhir Sinha	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
10	Saladeb Ghosh	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
11	Bikash Roy	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
12	Kalyan Kr. Das(H)	Sr. A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizwal
13	Subhendu Chakraborty	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
14	Sujit Kr. Deb	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
15	Bimal Kanti Bhowmick	Sr. A.O.	-DO-	O/o the A.G. (Audit) Manipur, Imphal
*16	Bijoy Bh. Deb	A.A.O.	-DO-	O/o the A.G. (Audit) Arunachal Pradesh, Itanagar

Aliasing
Karma

	Balai Kr. Chanda	A.A.O.	-DO-	O/o the A.G. (Audit) Arunachal Pradesh Itanagar
*18	Rupen Kr. Kakoti	A.A.O.	-DO-	O/o the A.G. (Audit) Arunachal Pradesh Itanagar
*19	Hitesh Kakoti	A.A.O.	-DO-	O/o the A.G. (Audit) Nagaland Kohima
*20	Sibotosh Bhattacharjee	A.A.O.	-DO-	O/o the A.G. (Audit) Nagaland Kohima
*21	Lakhsni Borgohain	A.A.O.	-DO-	O/o the A.G. (Audit) Nagaland Kohima
*22	Pradip Kr. Moitra	A.A.O.	-DO-	O/o the A.G. (Audit) Nagaland Kohima
*23	Subhash Ch. Bhattacharjee	A.A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizawl
*24	Biprajit Purkayastha	A.A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizawl
*25	Partha Sarathi Gupta	A.A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizawl
*26	Fayzur Rahman Choudhury	A.A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizawl
*27	Biswadeep Chakraborty	A.A.O.	-DO-	O/o the A.G. (Audit) Mizoram, Aizawl

On their transfer they stand released w.e.f. 08.08.2006 (A/N) to enable them to join in their new place of posting on deputation basis.

In respect of personnel deputed to the O/o the A.G. (Audit) Arunachal Pradesh, Itanagar and O/o the A.G. (Audit) Mizoram, Aizawl, they are to initially report to the O/o the Pt. A.G. (Audit) Meghalaya etc. Shillong.

11. *Allocated to Guwahati office but placed at the disposal of the offices shown against them till finalization of the court case.

Authority: - *Pr. Accountant General's orders dated 08.08.2006 at P/2^N of file No. Estt. I/Audit/1-51/Vol-II/2006-07/*

Sd/-

Deputy Accountant General's (A&W)

Memo No. Estt-I/Audit/I-51/Vol-II/2006-07/1522

Dated 08.08.2006

Copy forwarded for information and necessary action to:

*The Comptroller and Auditor General of India,
10, Bahadurshah Zafar Marg,
Indraprastha Head Post Office,
New Delhi - 110002*

Sd/-

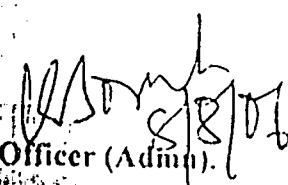
Deputy Accountant General's (A&W)

Memo No. Estt-II/Audit/I-51/Vol-II/2006-07/3523-36

Dated 08.08.2006

Copy forwarded for information and necessary action to:

1. The Pr. Director of Audit, N.F. Railway, Maligaon, Guwahati-11
2. The Pr. A.G. (Audit), Meghalaya, etc., Shillong-1
3. The A.G. (Audit), Nagaland, Kohima.
4. The A.G. (Audit), Manipur, Imphal
5. The A.G. (Audit), Tripura, Agartala.
6. The Secretary to the Pr. A.G. (Audit), Assam, Guwahati-29
7. The P.A.O. / O/o the Accountant General (A&E), Assam, Guwahati 29
8. The Private Secretary to the Pr. A.G. (Audit), Assam
9. The A.A.O. Record
10. The A.A.O. Estt.II Section
11. All Branch Officers
12. All concerned Officers
13. The Hindi Cell.
14. O.O.File
15. Notice Board


Sr. Audit Officer (Admin.)