

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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OA 281/06  
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*30/4/17*  
SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 281/06

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

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

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

Applicant(s) Smti Mandira Pukayartha

Respondents V.O.I & Ors.

Advocate for the Applicant(s) J.L. Sankar, S.N. Tamuli

Advocate for the Respondant(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed P. & P. Rs. 30/- deposited with CPC/BD No. 26 G.C.B. 52784 Dated 1.11.2006	10.11.2006	Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

*Gleeba*  
Dy. Registrar

*steps not taken*

The Applicant is a SOG qualified Section Officer in Gr. B Service. Her base office is Guwahati and on promotion as Section Officer she was sent to Shillong office under the policy. There has been a separation of cadre of the Gr. B officers of AG (A & E) in the States of NE Region. The scheme of separation has been challenged in various O.A.s before this Tribunal and the same are pending for disposal. Interim order has also been passed not to disturb the Applicants in those cases till the disposal of the O.A.s. The Applicant has given option for Guwahati and preference for deficit offices of Meghalaya, Arunachal Pradesh and Mizoram. She has not given preference for Manipur. But she has been ordered for transfer to Manipur vide order dated 31.07.2006, which is challenged in this Application. ✓

Contd/-

10.11.2006

Heard Dr. J.L. Sarker, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents. When the matter came up for admission hearing, learned Sr. C.G.S.C. for the Respondents would like to take instruction as to why she has been transferred to Manipur instead of giving option for Guwahati and preference for deficit offices of Meghalaya, Arunachal Pradesh and Mizoram.

Considering the issue involved, I am of the view that notice is to be issued to the Respondents. Issue notice to the Respondents. The Applicant shall take process for Respondent No. 6.

Learned Counsel for the Applicant insisted for interim order. This Court directs not to disturb the Applicant from her present place till the next date of hearing. It is also made clear that the Applicant may be posted either in Arunachal Pradesh, Mizoram or Meghalaya as SO/Supervisor. But not in Manipur.

Post on 03.01.2007.

Vice-Chairman

/mb/

23.1.2007

Post on 9.2.2007.

Vice-Chairman

/bb/

⑤ Notice duly served  
R. No- 2, others respondents  
brom awaited.

23  
8.2.07.

Notice duly served  
on R-2.

25/1/07

Notes of the Registry	Date	Order of the Tribunal
order dt- 9/2/07 issuing to learned advocates for both the parties.  <u>13/2/07.</u>	09.02.2007	The issue involves is that of cadre separation. It is submitted that this Court had admitted similar matters. This case also to be admitted. Hence, admit the O.A.  Post the matter on 26.03.2007. Interim order shall continue till such time.
No Wts has been filed.  <u>23.3.07.</u>	/bb/ 26.3.2007	Three weeks time is granted to file reply statement. post on 12.4. 2007.
No Wts has been filed.  <u>11.5.07.</u>	bb 15.5.07.	Vice-Chairman  Counsel for the respondents has filed written statement let it be kept on record. Post the matter on 26.6.07. Liberty is given to the applicant to file written rejoinder.
Wts filed by the Respondents, page 1 to 9. Applicants (copy received)  <u>4.1.08.</u>	1a 01.02.2008	Vice-Chairman  Judgment pronounced in open Court. Kept in separate sheets. Application is disposed of. No order as to costs.
Rejoinder not filed.  <u>4.1.08.</u>		
Received Ganesh Prasad S. & C. S. I.M		(Khushiram) Member(A)
		(M. R. Mohanty) Vice-Chairman
		<u>4/2/08</u>
		<u>05/02/08</u>

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No 281 of 2006

Smsti Mandira Purkayastha

DATE OF DECISION: 07.01.2008

Dr.J.L.Sarkar

.....Applicant/s

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

- Versus -

U.O.I. & Ors

.....Respondent/s

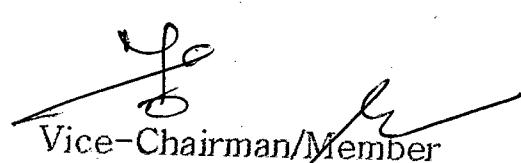
Mr.G.Baishya, Sr.C.G.S.C.

..... 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.281 of 2006

Date of Order: This the 7<sup>th</sup> Day of January, 2008

HON'BLE MR.M.R.MANORANJAN MOHANTY, VICE-CHAIRMAN  
HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

Smt. Madira Purkayastha  
Section Officer  
Office of the Accountant General (A&E)  
Meghalaya, Shillong-1

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

Applicant

1. Union of India ,  
Represented through  
Respondent No.2
2. The Comptroller & Auditor General of India,  
10 Bahadur Shah Zafar Marg,
3. The Accountant General (A&E)  
Meghalaya, Shillong-1
4. The A.G.(A&E), Arunachal Pradesh, Shillong
5. The Accountant General (A&E), Assam  
Maidam Gaon, Beltola-29
6. The A.G.(A&E), Mizoram, Shillong.

Respondents.

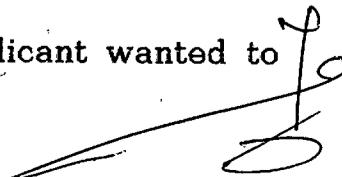
By Advocate Mr.G.Baishya, Sr.C.G.S.C

ORDER (ORAL)

M.R.MOHANTY, V.C:

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

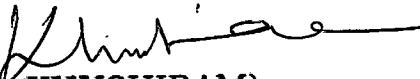
2. Mr. G. Baishya, learned Sr. Standing counsel appearing for the Respondents states that by an order dated 27<sup>th</sup> February, 2007 the Applicant has been allowed to continue at Shillong.
3. Since during pendency of this case, the grievance of the Applicant has already been redressed (as the Applicant wanted to



continue at Shillong) and there remains nothing to be adjudicated in this case. In that view of the matter, this case is disposed of; after hearing the Advocates for the parties.

4. Send copies of this order to the Applicant and to the Respondents through their respective counsels.

5. Free copies of this order be also given to the Advocates for both the parties.



(KHUSHIRAM)  
ADMINISTRATIVE MEMBER

lm



(MANORANJAN MOHANTY)  
VICE-CHAIRMAN

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

10/10/2007

गुवाहाटी द्वारा प्रिय

IN THE **CENTRAL ADMINISTRATION**  
**TRIBUNAL**

**GUWAHATI BENCH, GUWAHATI**

(An application under section 19 of the Administrative Tribunal Act - 1985)

Q.A. No. 281/..../2006

Smt Mandira Purkayastha

- Versus -

Union of India & Others.

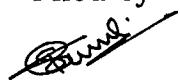
**Synopsis**

The applicant is a SOG Qualified section officer in Gr.B. Service. Her base office is Guwahati and on promotion as section officer she was send to Shillong office under policy circulated in 8/9/1998 and 22/3/2000.

By circular dated 24/3/2006 there has been so called separation of cadre of the Gr.B officers of AG (A & E) in the States of NE Region. The scheme of separation has been challenged in number of OA's 115, 125, 204, 224, 257 of 2006, which are awaiting hearing before this Hon'ble Tribunal. In the interim the Hon'ble Tribunal has been pleased to pass order not to disturb the applicants in those cases as regards place of posting. The applicant also challenges the scheme of separation.

Under Para (IV) of circular of the policy of separation the applicant gave option for Guwahati and preference for deficit offices of Meghalaya, Arunachal Pradesh and Mizoram. She has not opted or given preference for Manipur. By representation she changed her option to Meghalaya, AP and Mizoram. She has been ordered for transfer to Manipur on deputation. There are vacancies in Mizoram and likely vacancies in Shillong and Arunachal Pradesh for SO/Supervisor. Her prayer is for posting at Shillong in any office of AG viz Mizoram, Meghalaya and Arunachal Pradesh.

Filed by

  
S.N. Tamuli  
(Advocate)

**IN THE CENTRAL ADMINISTRATION  
TRIBUNAL**

**GUWAHATI BENCH, GUWAHATI**

(An application under section 19 of the Administrative  
Tribunal Act – 1985)

**Q.A. No. 281...../2006**

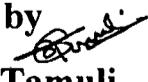
**Smt Mandira Purkayastha**

**- Versus -**

**Union of India. & others**

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File by  
  
**S.N.Tamuli**  
**(Advocate)**

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# IN THE CENTRAL ADMINISTRATION TRIBUNAL

## GUWAHATI BENCH, GUWAHATI

(An application under section 19 of the Administrative  
Tribunal Act - 1985)

Q.A. No. 281/...../2006

Smt Mandira Purkayastha

Section Officer

Office of the Accountant

General (A&E),

Meghalaya, Shillong - 1

### Applicant

#### - 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 Accountant  
General(A&E),  
Meghalaya Shillong - 1
4. The A.G. (A+E), Arunachal Pradesh, Shillong
5. The Accountant  
General(A&E),  
Assam  
Maidam Gaon, Beltola - 29
6. The A.G. (A+E), Mizoram, Shillong

### Respondents

#### 1. PARTICULARS OF THE ORDER AGAINST 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

Filed by the applicant  
through: S. N. Tomy  
Advocate 10/11/06

Mandira Purkayastha

Officers in NE region under in circular No. - 144 NGE (App) 17 - 2004 dated 24/ 3/ 2006 and 30/3/06 and for accepting option/ preference for A.G. (A&E),. Meghalaya, Arunachal Pradesh and Mizoram at Shillong, office and continuing service in that office.

## **2. JURISDICTION:**

The applicant 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. FACT OF THE CASE:**

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the Constitution of India.

4.2 That the applicant joined service in the office of the Accountant General (A&E), Meghalaya Posted at Shillong in 1990 and in 1997 was transferred to Guwahati. While working at Guwahati she qualified the SOG Examination and promoted in 2005 and posted at AG (A&E) Shillong Office as section Officer,

4.3 That the comptroller and Auditor General of India decided to separate the cadre of Gr. B. Officer from section officer to Sr. Account Officers in the A and E Officers of the NE Region. Similar separation has also been made in the Audit side of the Accountant General of NE. Region.

Copy of the circular on cadre separation dated 24/3/06 & 30/03/2006 is enclosed as  
**ANNEXURE-A**

Nandita Pustakavastha

4.4 That thereafter circular dated 21/4/2006 was issued enclosing revised option <sup>form</sup> from which was followed by circular dated 26/4/06 showing proposed sanction strength of Gr. B. Officer

Copies of the circular dated  
21/4/2006 & 26/4/2006 &  
26/4/2006 are enclosed as  
**Annexure B & C** respectively.

4.5 That the aforesaid scheme of separation of cadre have been challenged before this Hon'ble Tribunal Both by the A& E and Audit Officers by number of OA's viz. 115/06, 125/06, 146/06 197/06, 203/06, 204/06, 224/06, 257/06 267/06 etc. The Hon'ble Tribunal has been pleased to pass interim orders not to disturb the officers from the present place of posting.

4.6 That by circular dated 19/5/2006 tentative vacancy position in the <sup>deficit</sup> ~~defecate~~ office was circulated. Meghalaya, Manipur, Arunachal Pradesh, Mizoram are deficit offices.

Copy of the circular dated  
19/5/2006 is enclosed as  
**Annexure D.**

4.7 That by the circular dated 21/4/2006 (Annexure B) a revised form of option was circulated giving last date of option as 27/4/ 2006. She opted for Guwahati office Assam. It was stated in the option form that option so exercised will be final and no further change in the option will be allowed It was not considered as scrocent and some other officers namely Shri, R. Deb Nath (SO), Shri Arindam Kuman Das (AO) were allowed to Change option by submitting representations. Sri Panna Lal Das (Sr.A.O) also changed option by representation and the Hon'ble Tribunal has been pleased to pass interim order for continuing at Shillong. i.e. changed option place. He is now continuing at Shillong.

Mandir  
Guwahati  
Mizoram

-4-

4.8. That para V of the circular on cadre separation dtd. 30/3/2006 stipulate that for ~~posting~~ in deficit offices. officers may be asked to give their preference for such posting mentioning the name of deficit offices. As far as possible they may be posted at such deficit offices on the basis of the seniority and preference. These persons should be posted to the office of their seniority on availability of subsequent vacancies. On such preferences for Meghalay Arunachal Pradesh and Mizoram on 22/5/06 and 29/5/06. She has <sup>never</sup> ~~never~~ opted or given preference for Manipur.

Copies of the preference given are  
enclosed Annexure D1 and D2

4.9. That after receiving option, by the office was seen that many people opted for Assam and as such number of options for Guwahati became more than the sanctioned strength and made Guwahati Office a surplus office, whereas offices having number of optees less than the sanctioned strength are classified as deficit office.

4.10 That by order dated 31/7/2006 issued from the officer of the AG (A&E) Assam, applicant was posted on deputation to the office of AG (A&E) Manipur. (SLNo.43). It may be mentioned here that by the above order dated 31/7/ 2006 all the officers stand released w.e.f 31/7/06. ~~She never gave preference for Manipur~~

Copy of the order dated 28/7/06 is  
enclosed as **Annexure- E.**

4.11 That applicant due to certain personal problem including ailment of her old mother who resides with her and changing circumstances of the posting in surplus and deficit offices submitted representation dated 31/7/06 requesting to retain her in the office of the AG (A&E) Meghalaya, Shillong. She also submitted representation dated 17/10/06 indicating her option for Arunachal Pradesh also. In the said representation she had categorically stated that she never opted for deputation to Manipur office. She also submitted representation dated 11/10/06 to the Principal Director

Manipur Panchayat

staff, Office of CAG of India, and to Sr. Deputy AG (A & E) Manipur and ~~caused~~<sup>craves</sup> for library to produce the same at the time of hearing)

Copies of the representation dated 31/7/06 and 17/10/06 are enclosed as **Annexures F & G** respectively.

4.12 That the scheme of separation of cadre has not been made in a scientific manner and the respondents are working with utter confusion. It is stated that in earlier occasions also before the issue of the so called separation of cadre the respondents had called for options and cancel the same. Before the issue of the so called separation even in 1998 by the policy of transfer officers were transferred and rotated in deficit offices for 18 months and reposted to the base office. It is stated that base office of the applicant is Guwahati and she was posted at Shillong office as a deficit office after her passing SOG examination on promotion as section officer as such she deserve to be posted in Guwahati office or continued at Shillong.

The copy of the circular dated 8/9/1998 and policy order dtd. 22/3/2000 are enclosed **Annexures H and I** respectively.

4.13 That the applicant has not opted or given consent for deputation to Manipur. Under the procedure of law, as such, her posting/ transfer on deputation to Manipur is not permissible.

4.14 That the Shillong office is functioning for the states of Meghalaya, Arunachal Pradesh and Mizoram also. These are deficit offices and there are vacancies of SO's<sup>supervisor</sup> in Arunachal Pradesh and Mizoram. The applicant states that she can be accommodated at Shillong in either of the states offices viz Mizoram, Arunachal Pradesh and Methalaya. Arunachal Pradesh and Mizoram are her changed option. It is also stated that there is scope of vacancy in Meghalaya state in near future. One deputationist is there likely to be repatriated. *She may be posted as SO/Supervisor in any other Shillong office.*

Mandir Pustakaya Tha

4.14 That the scheme of so called separation is perverse and illegal. The policy was declared for sanctioned strength. Thereafter the respondents to suit their ad-hoc purposes brought in the concept of required strength which is a vague concept and not supported by service jurisprudence. The post of SO's and AAO'S are separated as 20% and 80% respectively. The distribution of the actual number of post and vacancies have not been published as such it is difficult to exercise option with full awareness, It is also stated that while posting the respondents have changed the ratio whimsically inviting arbitrariness and favoritism. In Guwahati Office there are 10 SO's and 65 AAO's, it <sup>is</sup> has stated that in case of 65 AAO's there shall be at least 16 SO's. This is only cited as an example. Same is the position in other offices also

That OA NO.s 115/06, 125/06, 146/06, 197/06, 204/06, 225/06, 257/06, 267/06 have been pending before this Hon'ble Tribunal in the matter of separation of cadre.

Copies of the orders in OA 125 and MP no. 59,52,55 and 56/2006 in OA no. 143,115,125,146/06 dated 29/05/06 and 21/07/06 and order dated 27/10/06 in OA 257/06 is enclose as **Annexure J,K,L** respectively.

## 5. **GROUNDS WITH LEGAL PROVISIONS**

- 5.1 For that the scheme of separation of cadre is illegal and vague.
- 5.2 For that the base office of the applicant is Guwahati and she deserve to be posted at Guwahati or Shillong where she was posted as in deficit office under the prevailing policy.
- 5.3 For that change of option by representation has been allowed in other cases and she can not be discriminated.

Mandir Peckyastha

5.4 For that she can not be send on deputation without her option / consent.

5.5 For that the Hon'ble Tribunal is seized with the matter of separation of cadre and has been pleased to pass orders not to disturb the applicants in other cases challenging the scheme of separation.

## 6. **DETAILS OF REMEDIES EXHAUSTED**

There is no remedy under any rule as applicant though represented before the authority concerned it is still pending without any reply. Hence this Hon'ble Tribunal is the only forum for redressal of the grievances.

## 7. **MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT**

The applicant declares that they have not filed any other original application in any Tribunal or Court.

## 8. **RELIEFS SOUGHT FOR**

Under the facts and circumstances of the case the applicant pray for the following relief.

8.1 The scheme of separation of cadre under circular No. 144 NEG (App)/17-2004 dated 24/3/2006 be set aside and quashed and including circular dated 30/03/06

8.2 The order dated 31/07/06 of posting on deputation of the applicant (Sl no. 43) to Manipur be set aside and quashed.

8.3 The applicant may be posted at Guwahati, Assam, or Shillong, Maghalaya.

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

Pustakayastha  
Mandir

The above relief is prayed on the grounds stated in para 5 above.

#### 9. **INTERIM RELIEFS PRAYED FOR**

During the pendency of this application applicant pray for following interim relief.

- 9.1 The applicant shall be allowed to work in <sup>any</sup> the office of the AG (A&E), Meghalaya, Arunachal Pradesh, Mizoram now functioning at Shillong.
- 9.2 The order dated 31/07/06 of deputation of the applicant (Sl no. 43) be stayed / suspended.
10. This application has been filled through Advocate.

#### 11. **PARTICULARS OF THE POSTAL ORDER**

- (i) IPO No. **26G 352784**
- (ii) Date of Issue **01/11/2006**
- (iii) Issued from **G.U.P.O.**
- (iv) Payable at **G.P.O. Guwahati**

12. Enclosures as stated in the index

Mandibor Pustakashala

## VERIFICATION

I Mandira Purkayastha aged about 38 years daughter of Late M.K. Purkayastha, resident of Bishnupur, Shillong-4 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, 5 are true to my knowledge as per legal advice and I have not suppressed any material facts.

And I sign this verification on this .....911..... day of November 2006.

Guwahati - 5

Date 9, 11. 2006,

*Mandira Purkayastha*  
Signature

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

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

Dated: 24.03.2006

To

The Pt. 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 cadre in place as on 01.06.2006.
4. Caveat in the appropriate courts of judicature may be filed in consultation with your standing counsels.

Yours faithfully,

Enclo. As above.

SD/-  
(Manish Kumar)  
Additional Comptroller and  
Auditor General (N)

Attested  
\_\_\_\_\_  
\_\_\_\_\_  
(Name)  
(Advocate)

Attested  
\_\_\_\_\_  
\_\_\_\_\_  
(Name)  
(Advocate)

Policy for separation of common cadre & 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 concerned offices only against the requisition already placed/to be placed to Staff Selection Commission.

Attested

Suran

(Advocate)

### 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: .....

Name: .....

Station: .....

Designation: .....

O/o the .....

Employee No. .....

Attested

\_\_\_\_

(Advocate)

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 hither to 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 (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 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 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.
- 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/Admn. of this office **by 15<sup>th</sup> 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.



30/3/06

Sr. Dy. Accountant General (Admn.)

## FORM OF OPTION

In the event of separation of existing common cadre for Group 'B' posts of (Sr.AO/AO/AAO/SO) of the A&E 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.....

.....and so on.

(Signature)

Date..... Name.....

Station..... Designation.....

O/O the.....

Employee No.....

Amritpal Singh  
(Advocate)

OFFICE OF THE ACCOUNTANT GENERAL (A&E), MEGHALAYA, ARUNACHAL  
PRADESH & MIZORAM::::SHILLONG-793 001

Circular No. 239

Date 21.04.2006

In continuation to this office Circular No. Estt. I/16 dated 5.4.2006 and No. 206 dated 17.4.2006 regarding option in connection with the separation of common Group 'B' cadres from Section Officers to Sr. Accounts Officers, it is informed that Hqrs. office has furnished a revised option form along with the following clarifications :-

1. *No additional post is being created for the newly created offices of Mizoram and Arunachal Pradesh. Offices will be accommodated to these offices against the existing sanctioned strength already circulated by BRS wings of Hqrs. office on the basis of their option or otherwise.*
2. *Sr. AO/AO, AAO and SO will be treated four separate cadres and ratio of 80:20 in Sr. AO/AO and AAO/SO will be maintained while separating these cadres.*
3. *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 offices mentioned in the option.*
4. *It has already been made clear in the policy for separation of cadres that final allocation of Group 'B' officers belonging to common cadre shall be made strictly on the basis of their seniority-cum-option exercised by them irrespective of their base office.*
5. *Officers should exercise their option latest by 27.04.2006 positively. It has been made clear that if no option is received from the officers, they will be permanently allocated to the deficit office(s) on the basis of administrative convenience.*

A copy of revised option form received from Hqrs. office is circulated to all the officers for necessary action.

*sd/-*  
Dy. Accountant General (Admn)

Memo No. Estt. I/SOC/Gr. B/2006-2007/240-245

Date : 21.04.2006

Copy to :

1. Secretary to AG(A&E), Meghalaya etc. Shillong.
2. Steno to DAG(Admn)
3. Steno to DAG(AE & VLC)
4. All Sr. AOs/AOs/AAOs/SOs.
5. Notice Boards
6. E.O. Book

*Q. 1/4/156*  
Establishment Officer

*Attached  
B. M. M.  
(Advocate)*

OFFICE OF THE ACCOUNTANT GENERAL (A&E, MEGHALAYA ETC.,  
SHILLONG-793001

Circular No. Estt.1/ 320

Dated:- 26/4/06

In continuation to this Office Circular No. 239 dated 21.4.2006 regarding Separation of Common Group 'B' cadres from Section Officers to Sr. Accounts Officers, the following clarification furnished by the Headquarters Office is circulated to all concern.

(i) Proposed Sanctioned Strength of Gr.'B' cadres for the Office of the Meghalaya, Arunachal Pradesh and Mizoram.

	<u>MEGHALAYA</u>	<u>A/PRADESH</u>	<u>MIZORAM</u>
Sr.AO/AO	9	4	3
AAO/SO/Supr.	26	13	11

(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 cannot be accommodated to any of the these offices as per his seniority and option he will remain under the cadre control of the Accountant General (A&E) Assam, Guwahati 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.AO, AO, AAO and SO will be treated four separate cadres for the purpose of allocation and the ratio of 80:20 in Sr.AO/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 HQrs. Office (BRS wing). No additional post is being created for the present.

(Contd... P/2)

Attended  
S. M. S.  
Advocate

(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.

(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.

( Authority:- AG's Orders dated 26.4.06 at P/7N of the File )

Sd/-  
ESTABLISHMENT OFFICER

Memo No. Estt.1/10-15/SOC/Gr. B/2006-07/321-322

Dated:- 26/4/06

Copy forwarded for information to:-

1. All Sr. AOs/AQs
2. All AAOs/SOs

*D. S. D.*  
ESTABLISHMENT OFFICER

*Attested  
By  
Advocate*

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC. :::

SHILLONG

Circular No. Estt-I SOC/Group 'B' /2006-07/715

Dated : 22-5-2006

In continuation of this office Circular No. Estt.I/697 dated 17-5-2006, a copy of the Circular No. AG/Sep./Group 'B' /2006/35 dated 19-5-2006 showing the vacancy position of the deficit offices of the A.G.(A&E) of the N.E. Region is hereby circulated to the concerned Group 'B' officers of this office for information:

Sd/

**Deputy Accountant General (Admn)**

Memo No. Estt-I/SOC/Group 'B' /2006-07/716-717

Dated: 22-5-2006.

Copy forwarded to: -

1. All Sr. AOs/AOs.
2. All AAOs/SOs/Supervisors.

  
**Establishment Officer**

6

Attested  
By  
(Advocate)

## FORM OF OPTION FOR DEPUTATION

In the event of separation of existing Common Cadre for Group 'B' Post of the offices of Indian Audit and Accounts Department located in the North East, as per Circular No.AG/Sep/Gr.'B'/2006/141 dated 30/03/2006 I Shri Smti 29  
Ms. MANDRA PURKAYASTHA working in the office of the Accountant General/ Sr. Dy. Accountant General (A&E) Meghalaya, Shillong etc as Section officer (designation) knowing fully that if I am not initially allocated to the office of my option so exercised as per Circular dated 30/3/2006 for want of vacancy, I may be allocated on deputation basis to the following deficit office(s) in order of preference.

(i) Office of the Accountant General/ Sr. Dy. Accountant General (A&E)  
(ii) Arunachal Pradesh and so on (iii) Mizoram

Signature: 

Name: MANDRA PURKAYASTHA

Designation: Section officer

Date: 22-5-06

Place: Shillong

### Name of deficit offices

1. Sr. A.O. Cadre – Meghalaya/ Nagaland/ Arunachal Pradesh/Mizoram
2. A.O. Cadre - Meghalaya/ Nagaland/ Arunachal Pradesh/Mizoram
3. A.A.O. Cadre – Manipur/ Nagaland/ Arunachal Pradesh/Mizoram
4. S.O. Cadre - Manipur/ Arunachal Pradesh/Mizoram

22-5-06

Attested  
By  
Shri  
Diwakar

30

### FORM OF OPTION FOR DEPUTATION

In the event of separation of existing Common Cadre for Group 'B' Post of the offices of Indian Audit and Accounts Department located in the North - East, as per Circular No.AG/Sep/Gr.'B'/2006/141 dated 30/3/2006 I, Shri/ Smt/ Ms. MANDIRA PURKAYASTHA working in the office of the Accountant General/ Sr. Dy. Accountant General(A&E) Nehru Nagar, Shillong as Section Officer (designation) knowing fully that if I am not initially allocated to the office of my option so exercised as per Circular dated 30/3/2006 for want of vacancy, I may be allocated on deputation basis to the following deficit office(s) in order of preference.

(i) Office of the Accountant General/ Sr. Dy. Accountant General

(A&E) (D of the STATE) Nehru and so on etc Shillong (ii) Arunachal Pradesh

Signature 

Name: MANDIRA PURKAYASTHA

Designation: Section Officer

Date: 29-5-06

Place: Shillong

Name of deficit offices

1. Sr. A.O. Cadre - Meghalaya/Nagaland/ Arunachal Pradesh/Mizoram
2. A.O. Cadre - Meghalaya/Nagaland/ Arunachal Pradesh/Mizoram
3. A.A.O. Cadre - Manipur/Nagaland/ Arunachal Pradesh/Mizoram
4. S.O. Cadre - Manipur/ Arunachal Pradesh/Mizoram

*Attested  
S. Purkayastha  
Advocate*

*29-5-06*

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

Circular No. 3620

Date : 31/7/2006

Consequent on the separation of the Group 'B' Accountants & Entitlement cadres in the NE Region as per policy on Cadre Separation issued under Circular No. AG/Sep/Gr.'B'/2006/141 dated 30/3/2006 read with Order No. AG(A&E), Assam; Guwahati Orders Nos. AG/Sep/Gr.'B'/2006/64, AG/Sep/Gr.'B'/2006/65 and No. AG/Sep/Gr.'B'/2006/66 dated 28/07/2006 the following Group B officers are hereby transferred and posted to the office(s) as shown below.

The officers who are allocated/posted to an office other than this office stand released w.e.f. 31/07/2006(AN) to enable them to join in their new place of posting.

The transfers are in the public interest.

Sr. Accounts Officer/Accounts Officer

Sl.No.	Name of Officers	Place of posting consequent upon cadre separation O/o The AG(A&E)/Sr.DAG(A&E)	Remarks
(1)	(2)	(3)	
1.	Sri Anilendu Das, Sr.AO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
2.	Sri Panna Lal Das, Sr.AO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
3.	Sri Ses Kanta Sharma, Sr.AO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
4.	Sri Sankar Paul, Sr.AO	Office of the A.G.(A&E), Mizoram.	On deputation basis
5.	Sri Y. Manaobi Singh, Sr.AO	Office of the Sr. D.A.G.(A&E), Manipur, Imphal.	Permanently allocated <sup>1</sup>
6.	Sri Rathindra Kumar Das, Sr.AO	Office of the A.G.(A&E), Meghalaya, Shillong	On deputation basis
7.	Sri L. Iboyma Singh, AO	Office of the A.G.(A&E), Arunachal Pradesh.	On deputation basis
8.	Sri Kanan Behari Deb, AO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
9.	Sri Swapan Kumar Nath, AO	Office of the A.G.(A&E), Meghalaya, Shillong	On deputation basis
10.	Sri Moti Lal Sinha, AO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
11.	Sri Tapash Chakrabarty, AO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
12.	Sri Ph. Jugindro Singh, AO	Office of the Sr. D.A.G.(A&E), Nagaland, Kohima	On deputation basis
13.	Smt. Veronica Lyngdoh, AO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
14.	Sri Prasanta Dutta, AO	Office of the Sr.D.A.G.(A&E), Tripura, Agartala.	Permanently allocated

<sup>1</sup> Released on 28/7/2006 to join RTI, Shillong  
[Authority : AG(A&E), Assam's Order No. Admn.1/7-1/Deptn/1998-99/1301 dated 21/7/2006]

Attested  
S. D. Singh  
(Advocate)

Assistant Accounts Officer/Section Officers

15.	Pankaj Dev Choudhury, S.O.	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
16.	Millir Kanti Das, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
17.	Ashish Banerjee, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
18.	Ramomoy Bhattacharjee, AAO	Office of the Sr. D.A.G.(A&E), Nagaland, Kohima	On deputation basis
19.	Devashish Bhattacharjee, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
20.	Ashim Kr. Saha, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
21.	Rajyapal Deokota, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
22.	Sabyasachi Choudhury, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
23.	Shovan Kr. Kar, SO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
24.	Manjita Roy Choudhury, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
25.	Alok Kr. Chakrabarty, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
26.	Arun Kumar Nath, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
27.	Madhabi Deb, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
28.	D. Issac, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
29.	Ashit Dhar, AAO	Office of the A.G.(A&E), Assam, Guwahati	Temporarily accommodated
30.	Surendra Prasad Roy, AAO	Office of the Sr. D.A.G.(A&E), Nagaland, Kohima	On deputation basis
31.	Rajesh Kr. Rasaily, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
32.	Kumar Karki, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
33.	Sukesh Ranjan Deb, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated

34.	Ramesh Kr. Biswa, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
35.	Thomas Sebastian, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
36.	Haukholam Tythul, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
37.	B.Roles Wahlang, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
38.	Halinc Roy Nongrum, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
39.	Steven Josper Swer, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
40.	Sebarius Nangbah, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
41.	Keshab Gupta Roy, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
42.	Krishna Basi Das, SO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
✓43.	Mandira Purkayastha, SO	Office of the Sr. D.A.G.(A&E), Manipur, Imphal	On deputation basis
44.	Biswajit Dutta, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
45.	Pijush Kanti Sur, SO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
46.	Dipali (Mandal) Das, SO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated as per provision of MIR.
47.	Ratan Debnath, SO	Office of the A.G.(A&E), Arunachal Pradesh	Permanently allocated
48.	Uttam Kr.Saha, SO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
49.	Partha Pratim Choudhury, AAO	Office of the A.G.(A&E), Arunachal Pradesh.	On deputation basis
50.	Abhijit Biswas, SO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
51.	Ajit Kumar Deb, AAO	Office of the A.G.(A&E), Mizoram.	On deputation basis

52.	Amit Chakrabarty, AAO	Office of the Sr. DAG(A&E), Tripura, Agartala	Permanently allocated
53.	Hitesh Ch. Kalita, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
54.	Shipra Ghosh, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Permanently allocated
55.	Sumitra (Das) Dey, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Temporarily accommodated
56.	Dhireswar Boro, SO	Office of the A.G.(A&E), Arunachal Pradesh.	On deputation basis
57.	Pradip Kr.Das(I), SO	Office of the A.G.(A&E), Mizoram.	On deputation basis
58.	Sanjoy Rn.Dey, AAO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
59.	Nilodhwaj Mishra, AAO	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated
60.	Sadhan Ch. Paul, SO	Office of the A.G.(A&E), Meghalaya, Shillong	Will continue in present place of posting till disposal of OA No. 143 and 151 of 2006 or lifting of status quo.
61.	Adhir Chakrabarty, AAO-cum- Secretary to AG.	Office of the A.G.(A&E), Assam, Guwahati	Permanently allocated

*Sd/-*  
Accountant General

Memo No. Estt. I/SOC/Gr. 'B'/2006-07/3621(A)

Date : 31/7/2006

Copy forwarded for information to :-

The Comptroller & Auditor General of India,  
10, Bahadur Shah Zafar Marg,  
Indraprastha Head Post Office,  
NEW DELHI - 110 002

*Sd/-*  
Accountant General

Memo No. Estt. I/SOC/Gr. 'B'/2006-07/3621-3632

Date : 31/7/2006

1. The Accountant General(A&E), Assam, Maidaingaon, Beltola, Guwahati – 781 029.
2. The Sr. Dy. Accountant General(A&E), Tripura, Agartala.
3. The Sr. Dy. Accountant General(A&E), Manipur, Imphal
4. The Sr. Dy. Accountant General(A&E), Nagaland, Kohima
5. All concerned officers
6. PAO (Local)
7. PA to DAG(Admn) (Local)
8. PA to DAG(AE&VLC) (Local)
9. PS to AG(A&E), Meghalaya etc. Shilong
10. Estt. I Order Book
11. SO/Estt. II Section
12. Notice Boards

*Omalyal*  
Establishment Officer

~~Affected  
Officer  
(Advocate)~~

To

The Accountant General (A & E) Meghalaya, etc.  
Shillong.

Sir,

With reference to your Circular No 3620 (sl No 43) Dated 31-07-06 regarding my sudden posting to the O/o the A.G. (A&E), Manipur. In this context, I would like to bring your kind knowledge the following facts :-

That Sir, I did not prefer for deputation to the O/o the A. G. (A&E), Manipur and as such, I may not be forced on deputation other than my preference given earlier. My choice of preferences was given as Assam, Meghalaya and in extreme circumstances Arunachal Pradesh. It may be mentioned that preferences were taken from us vide Office Order No Estt. -I/SOC/Group-B/2006-07/892 Dated...26-05-06. It is a fact that I have never opted for Manipur in response to any of the letter of option, asked from us.

That Sir, my base office is at Assam as there was no accommodation in the O/o A. G. (A&E) Assam. I was transferred to O/o the A.G. (A&E) Meghalaya, Shillong on promotion to the post of Section Officer for a Tenure period of Eighteen months with the assurance of bringing back to Guwahati.

That Sir, even before the expiry of the 18<sup>th</sup> months and in respective of my choice of options and willingness I have again been asked to join Manipur Vide letter No. 3620 Dated 31-07-2006. Which I feel not appropriate and for which I have been placed in extreme hardships. In this connection it may be stated that I have been residing here at Shillong with my mother aged more than 65 Yrs. Who often remains confined to bed due to various ailments and needs regular medical check up and treatment.

That Sir, I am the only person who has been posted at Manipur which is far distance place /places other than Shillong and Guwahati.

Under the above circumstances I shall remain ever thankful to you, if Your kind self be gracious enough to retain me in the Office of the Accountant General (A&E) Meghalaya, Shillong on permanently.

Thanking you & obliged.

Dated: 31-07-06

Shillong

Yours faithfully,

31/7/06  
(MANDIRA PURKAYASTHA)  
SECTION OFFICER

Attested  
M. Purkayastha  
Advocate

17.10.2006.

To

The Sr. Deputy Accountant General (A&E),  
Manipur.

Sub: Submission of formal application regarding Earned Leave and Medical Leave applied.

Respected Sir,

With due respect, I would like to bring to your kind knowledge that I have applied for Earned Leave initially for 30 (thirty) days with effect from 11.08.06 to 09.09.06 vide Fax message TX/RX No. 0066 dated 24.08.06 and subsequently on expiry of the same I have again extended my leave for another 30 (thirty) days vide Fax message TX/RX No. 0090 dated 12.09.06 and recently I have again applied for Medical leave for 20(twenty) days only communicated to you vide Fax message TX/RX No 0111 dated 10.10.06. Photo copy of E.L. and medical leave and also the relevant receipts of all these fax messages is enclosed herewith for your kind knowledge. The formal application and medical certificate in original alongwith certificate of earned leave credited to my account is also enclosed herewith for your kind knowledge and necessary action please.

In this context I also would like to bring to your kind knowledge that I did not prefer for deputation to the office of the A.G (A&E), Manipur and as such I may not be forced on deputation other than my preferences given earlier. My choice of preferences was given as Assam, Meghalaya and in extreme circumstances Arunachal Pradesh. It may be mentioned that preferences were taken from us vide office order No. ESTT-1/SOC/Group-B/2006-07/892 dated 26.05.06. It is a fact that I have never opted for Manipur in response to any of the letter of option asked from us.

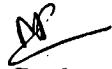
That, Sir, my base office is at Assam as there was no accommodation in the office of the A.G (A&E); Assam. I was transferred to office of the (A&E), Meghalaya, Shillong on promotion to the post of Section Officer for a tenure period of eighteen months with the assurance of bringing back to Guwahati.

That, Sir, even before the expiry of the eighteen months and irrespective of my choice of option and willingness I have again been asked to join Manipur vide letter No. 3620 dated 31.07.06 which I feel not appropriate and for which I have been placed in extreme hardships.

In this connection, it may be stated that I have been residing here at Shillong with my mother aged more than 65 years who often remains confined to bed due to various ailments and needs regular medical check-up and treatment.

Thanking you,

Yours faithfully,

  
(Mandira Purkayastha)  
Section Officer

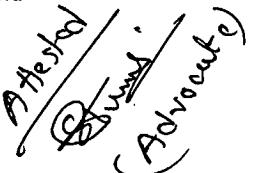
**My leave address:**

Smt. Mandira Purkayastha,  
C/O Smt. J. Kurbah (behind Bisnupur Bazar),  
Bisnupur, Shillong-4,  
Meghalaya.

Copy to:

1. Principal Director (Staff) office of the CAG of India, New Delhi for favour of your kind knowledge please.
2. A.G (A&E), Assam for favour of your kind knowledge, please.

  
(Mandira Purkayastha)  
Section Officer.

  
M. Purkayastha  
C. S. Purkayastha  
(Advocate)

**CONFIDENTIAL**

D.O. No.DAC(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/AAOs/S.Os to their parent offices after completion of their tenure of 18 months/12 months. As you are aware, from the level of Section Officers onwards, there is a common cadre for transfer and posting.

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

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

I. Shri Sword Vashun,  
Accountant General (A&I),  
Meghalaya, Mizoram, etc.,  
Shillong.

Attested

(Advocate)

Attested  
  
(Advocate)

कार्यालय | असामीखाकार (लो० ३१ ८० ), अराम  
 OFFICE OF THE  
 ACCOUNTANT GENERAL (A.G.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-NGB/ APP/ 94-95 dated 01-10-96 the AAOs/ AO/ Sr AO 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 rotational basis for a specific period.

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

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

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

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

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

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

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

{Authority: AG's orders dated 22-03-2000 at p/121 and p/346 of file no.DAG(A)/Con-C/Ghy/Policy /transfer/96}

Sd/-

DAG(A)

c

Attested  
Surj  
 (Advocate)

Attested  
Surj  
 (Advocate)

FROM NO. 4.  
(See Rule 12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWALI BENCH:

ORDERSHEET

Original Application No. 125/06

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

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

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

Applicant(s) Om Ram Kaliya & Sons

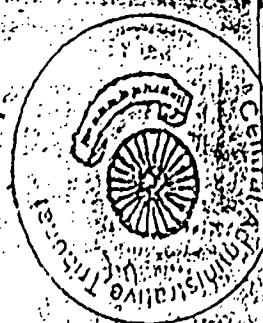
Respondents U.O. & Sons

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

Advocate for the Respondent(s) Case

Notes of the Registry 125/06 Order of the Tribunal

29.05.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.



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

Attested  
Suraj  
(Advocate)

Contd. 1.

Attested  
Suraj

4KA

Contd/.

29.05.2006 Heard Dr. J.L. Sarker, learned counsel for the applicants and Ms. U. Das, learned Addl. C.O.S.C. for the respondents.

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

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

Sd/ VICE CHAIRMAN

Date of Application : 30-5-06

Date on which copy is ready : 30-5-06

Date on which copy is delivered : 30-5-06

Certified to be true copy

30/5/06  
Section Officer (Jld)

C. A. T. Guwahati Bench

Guwahati S.

30/5/06  
10/5/06

Attested  
Sonal  
Advocate

1. CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWALIGE BENCH

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

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

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

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

Date of Order: This the 21<sup>st</sup> day of July 2006.

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

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

Union of India & Ors. .... Petitioners

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

- Versus -

Sri Dhritabajyoti Deb and Others ..... Opposite Party

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

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

Union of India & Ors. .... Petitioners

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

- Versus -

Sri Sirnzuuddin Ahmed & Ors. .... Opposite Party

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

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

Union of India & Ors. .... Petitioners

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

- Versus -

Shri Gunn Ram Kothi & Ors. .... Opposite Party

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

Attested

Shri  
(Advocate)

Attested  
Shri  
(Advocate)

53

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

...Petitioners

Union of India & Ors.

By Advocate Mr. H. Dinesh, Addl. C.G.S.C.

Versus

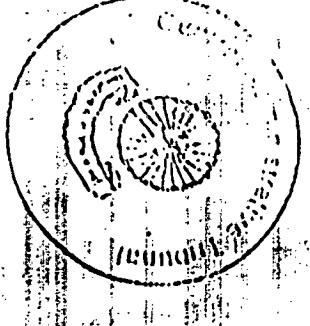
Shri O.M. Prakash Upadhyay & Ors. .... Opposite Party

By Advocates Dr. J.J. Sankar and Mr S.N. Tamuli.

ORDER

K.V. SACHIDANANDAN (V.C.)

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

  
"In the premises aforesaid it is respectfully prayed that your Lordships may be pleased to vacate and/or modify and/or alter the interim order dated 14.3.06 and 20.6.06 passed in O.A No.143/2006 and/or pass such further (or other) order or orders as your Lordships may deem fit and proper."

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

Attested

\_\_\_\_\_  
(Signature)  
(Advocate)

Q.A.No.125/2006

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

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

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

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

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

A. Husted  
Baruah  
(Advocate)

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

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

Attested  
\_\_\_\_  
(Advocate)

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

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

Attested

Prasad

(Advocate)

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

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

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

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

Attested  
\_\_\_\_  
(Advocate)

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

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

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

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

Advocates

Advocate

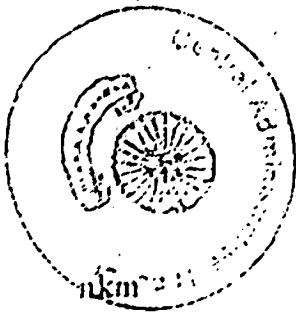
implementing the so called circular and compelling the employee to accept transfer to a non-optee station under the guise of deputation is not in general spirit of law.

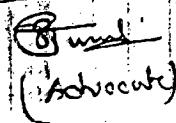
11. Therefore, considering the balance of convenience, hardship, legal injury etc. in favour of the original applicants in the O.A.s, I am of the view that at this point of time there is no need to alter, change or modify the interim order that has been passed earlier. Therefore, the Misc. Petitions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

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

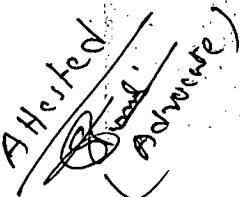
All the Misc. Petitions are dismissed with the above observations. No costs.

SERVICE CHAIRMAN



Attested  
  
(Advocate)

24.7.06  
24.7.06  
24.7.06  
S. A. I. C. S. B. B.  
Signature  
24.7.06

Attested  
  
(Advocate)

Received  
on 22/10/06

SEE RULE 24  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI DIVISION

1. Original Application No. 257/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Purnendu Das

Respondent(s) U.O.I 40MS

Advocate for the Applicant(s) J.L. Sarkar

S.N. Tamuli

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

Notes of the Registry	Date	Order of the Tribunal
	27.10.06	The applicant is a Gr. B. Officer designated as Sr. Accounts Officer. He was initially appointed in Gr. C at Shillong. He qualified in the S.O.G. Examination and subsequently promoted as AAO, AO and Sr. AOP in Shillong office. By Circular dated 24.3.2006 there has been so called separation of cadre of the Gr.B Accounts Officer of AG(A&E) in the states of N.E.Region. The scheme of separation in Accounts, and Audit has been challenged in O.A. numbers of 115, 125/06 etc. The applicant initially opted for Assam as evident from (Annexure B) in Guwahati and Shillong. Subsequently the option was considered for final allocation at Shillong.



APhested  
Bimal  
Advocate

Capt d/

S.L. 257 of 06

27.10.06. I have heard Dr.A.Sarkar learned counsel for the applicant and Mr.G.Baislyar learned Sr.G.G.B.C. for the respondents.

The counsel for the applicant has submitted that in Amravati C it is made clear that the Shillong office is in deficit and the vacancy is still existing in the office. Considering the larger issue involved I am of the view that the application can be admitted.

Application is admitted. Issue notice on the respondents.

The applicant shall not be disturbed from the present place of posting at Shillong. Post the matter on 28.11.06.

SERVICE CHAIRMAN

TRUE COPY

Signature

Central Govt. of India  
Ministry of Home Affairs  
Central Public Sector Units  
Nagaland

2006

17 MAY 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

Filed by ✓  
the respondents  
Shanmukh Gandomi, Brijendra  
Sarkar  
S.O. No. 155

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. NO.281 OF 2006

Smt Mandira Purkayastha

...Applicant

-Versus-

Union of India & Ors.

...Respondents

The written statements on behalf of  
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraphs 1, 2 and 3 of the instant application the answering Respondents have no comment.
2. That with regard to the statement made in paragraphs 4.1 to 4.6 of the instant application the answering Respondents have no comment.
3. That with regard to the statement made in paragraph 4.7 and 4.8 of the instant application the answering Respondents beg to state that as per option given by the applicant and guidelines on cadre separation as per Circular No.AG/Sep/Gr.'B'/2006/141 dated 30.3.2006 she could not be allocated to the office of

Contd...P/-

the Accountant General (A&E), Assam, Guwahati. She was posted to Manipur being a deficit office on the basis of her seniority, on deputation basis. As she is the junior most in the cadre of Section Officer, she could not be posted to the deficit offices as per her preferences for deficit offices. As contended by the applicant in respect of the officers namely Shri R.Deb Nath, Section Officer and Shri Arindam Kumar Das, Accounts Officer and cited by the applicant their representations had been received before the cadre separation. Further, these two officers changed their options to deficit offices.

That with regard to representation of Sri Panna Lal Das, Sr. Accounts Officer whose representation for change of option was not allowed as per Headquarter office letter No. 803-NGE(App)/5-2006/V dated 10.10.06 as Shri Das made his request for change of option only after the cadre separation had been notified. But now C&AG office vide letter No.962.NGE(App)/5-2006/Pt.V dated 6.12.2006 stated that the requests of Smt. Mandira Purkayastha, Section Officer and Shri Pannalal Das, Sr. Accounts Officer may be reconsidered as a special case for permanent allocation in the office of the Accountant General (A&E) Meghalaya, Shillong if Shillong office is a deficit one in respect of the cadre of Section Officers and Sr. Accounts Officers. Accordingly, their case is under process. In the light of the above facts, the applicant should have no further grievances as her request has now been conceded by C&AG office.

Copies of the circular and letters are annexed herewith as Annexutes- A, B and C.

4. That with regard to the statement made in paragraphs 4.9 to 4.11 of the instant application the answering Respondents have no comment.

5. That with regard to the statement made in paragraph 4.12 to 4.14 of the instant application the answering Respondents beg to state that the respondents have in no way circumvented the orders of the Hon'ble Tribunal. The Policy framed and implemented by the respondents is valid and legal, and is not violative of Article 14 and 16 of the Constitution of India.

6. That with regard to the statement made in paragraph 5 of the instant application the answering Respondents beg to state that those are untrue, false and the same are denied. It is respectfully submitted that the Circular dated 28.7.06 has been issued by the answering respondents after receipt of the letter from the Headquarters office of the department. The said Circular has been issued after taking into account the interim order of the Hon'ble Tribunal and after considering the issues as mentioned in the foregoing paragraphs. The respondents further beg to state that the grounds set forth in the instant application are not

good grounds and not tenable in law as well as on facts and the instant application is liable to be dismissed.

7. That with regard to the statement made in paragraphs 6 and 7 of the instant application the answering Respondents have no comment.

8. That with regard to the statement made in paragraphs 8 and 9 of the instant application the answering Respondents, beg to state that in view of the facts and circumstances mentioned above the applicant is not entitled to get any relief or interim relief as prayed for and the instant application is liable to be dismissed.

VERIFICATION

I, Tarini Mohan Roy.....S/o Late H.C. Roy.....  
 aged about 59 years, R/o Beltang...Guwahati.....  
 District Kamrup..... and competent officer of the  
 answering respondents, do hereby verify that the state-  
 ment made in paras 1, 2, 4 to 8..... are true  
 to my knowledge and those made in paras 3.....  
 being matters of record are true, to my information  
 derived therefrom which I believe to be true and the  
 rests are my humble submission, before this Hon'ble  
 Tribunal.

And I sign this verification on this 2<sup>nd</sup> day  
 of March 2007 at Guwahati.

Tarini Mohan Roy

Signature  
 T. M. Roy  
 Ex. Dy. Accountant (P.M.)  
 M.L.A.  
 (Assam Legislative Assembly)

6 ~~10~~ Annexure - 'A'

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

Circular on Cadre Separation

Circular No. AG/Sep/Gr. 'B'/2006/14)

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 hither to 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 (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 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 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.
- 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

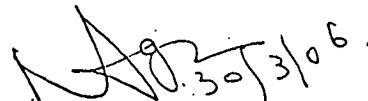
True copy  
R. Basu  
X/201

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/Admn. of this office by 15<sup>th</sup> 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 (Admn.)





8  
Annexure - B

No. 803 -NGE(App.)/5-2006/V

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

दिनांक  
Date

10/10/06

(Copy)

To

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

Subject: Change of option for permanent allocation.

Sir,

I am directed to refer to your D.O. letter No. AG/Sep/Gr.B/2006/1512 dated 03-08-2006 and subsequent reminder dated 18-09-2006 on the subject mentioned above and to state that as Shri Panna Lal Das has already been allocated to Guwahati office as per option exercised by him, he may not be allowed to revise his option for any other office. Request of Ms. Mandira Purkayastha, Section Officer to change her option for permanent allocation may also not be accepted. In her case the information called for vide this office letter No. 759-NGE(App.)/5-2006 dated 25-09-2006 may be furnished.

Yours faithfully,

*Hoshiar Singh*  
(Hoshiar Singh)  
Sr. Administrative Officer (App.)



9  
No. 962-NGE(App)/5-2006/Pt. V  
Anexure - C

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

दिनांक  
Date

06-12-2006

Anexure

C

To

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

Subject: Separation of cadres of Group 'B' officers in the offices of North East region.

Sir,

I am directed to invite a reference to this office letter No. 803/NGE(App)/5-2006/Pt-V dated 10.10.2006 on the subject cited above and to state that the requests of Smt Mandira Purkayastha, Section officer and Shri Pannalal Das, Sr. Accounts Officer of your office, for permanent allocation in the office of AG (A&E), Meghalaya, Shillong may be reconsidered as a special case if Shillong office is deficit one in respect of the cadre of Section Officers and Sr. Accounts officers

Yours faithfully,

*N. Singh*

(NARENDRA SINGH )  
ADMINISTRATIVE OFFICER (APP)

*Govind  
Rao*

NGE

10, बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002  
10, Bahadurshah Zafar Marg, New Delhi-110002