

PPKM No. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original application No. 79/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) See A. B. Karanakar

U. O. I. Tony

Respondents Advocate for the Applicant(s) M. Chandra, G.N. Chakraborty, S. Nath

Advocate for the Respondent(s) A.M. Case. M.L. Ahmed.

Notes of the Registry Date Order of the Tribunal

31.3.2006 Present: The Hon'ble Shri K.V. Sachidanandan, Vice-Chairman

This application in O.P. No. 79/06 is filed by the D.P.O.

dated 26.3.06
No. 260 32294 L

Dated 27.3.06

Dy. Registrar

DR 5/3/06
30/3/06

Steps taken:

DR

The applicant, while working under the respondents in the office of the Executive Engineer, P.H.E. & Water Supply Division, Khonsa, Dist: Tirap, Arunachal Pradesh, is now transferred to the office of the Executive Engineer, Water Supply & Maintenance Division, P.H.E., Imphal, Manipur vide order dated 6.2.2006. The office of the Executive Engineer, under which he is working, has communicated a letter dated 28.2.2006 (Annexure-8) to Respondent No. 2 expressing its non-consent for releasing him on the ground that he cannot be

Contd.

Contd.

31.3.2006 relieved without substitute during the financial year. Now, the contention of the applicant is that Arunachal Pradesh Government has formulated a scheme for absorption of identically deployed employees on deputation treating them Essential Divisional Accountant granting them 3 chances to pass the examination. The apprehension of the applicant is that if he is transferred to Imphal, which is situated in Manipur, that benefit may not be available to him under the Arunachal Pradesh Government. Therefore, the contention of the applicant is that the transfer order dated 6.2.2006 is not a simple transfer order but it will have adverse consequences in his career progression which is challenged in this O.A.

Mr. M.U. Ahmed, learned Addl. C. G. S. C. representing the respondents submits that the applicant will not be affected by the transfer order but he will not be able to submit at present on the question that whether his transfer to Imphal, Manipur will have adverse consequence to his career progression or not.

Contd..

- 3 -
Contd.

31.3.2006

Pl. comply order
dated 31.3.06.

W.I.
4.4.06.

Considering the entire aspects of the matter this Tribunal directs the respondents to maintain the status quo, as on today, in so far as the applicant is concerned, till the next date.

Post on 4.5.2006.


Vice-Chairman

bb

Ex-Ex-2006

XXXXXXXXXXXXXXXXXXXX

Notice & order sent
to D/Section 80
issuing to resp.
nos. 1 to 6 by regd.
A/D post.

4.5.2006

Class D/No = 4/50 to 4/55
12/4/06. Dt = 19/4/06.

MR. M. U. Ahmed, learned Addl. C.G.S.C. submits that he is going to file reply statement during the course of day. Mr. M. Chanda, learned counsel for the applicant is granted four weeks time to file rejoinder, if any.

Post on 8.6.2006. In the meantime interim order dated 31.3.2006 shall continue.


Vice-Chairman

bb

As per order dt. 6/4/06
passed in MP 30/06 the
mistake in synopsis
of the O.A. has been
corrected by the learned
advocate for the applicant.

08.06.2006

Class
27/4/06.

8-5-2006

Service reports awaited.

1m

mb

03.08.2006

Post before the next Division Bench.


Member

Vice-Chairman

W/S has been filed
by the respondents. 1/63. mb

W/S
4.5.06

Notice duly served
to resp. nos - 1, 2, 6.

Vice-Chairman

O.A 79/06 -
01/06/06

Max kindly seen at
flag A.

21.3.2007

Mr. M. Chanda, learned counsel
for the applicant wanted to take
instruction. Let it be done.

post before the next Division
Bench. Interim order will continue
till such time.

Member

Vice-Chairman

bb

25.4.07. . . Judgment delivered in open
Court. Kept in separate sheets.
Application is disposed of. No costs.

Member (A)

Member (J)

for L.B. Kannanakar is
petitioner in this case.

The petitioner, presently
working as deputation basis
under the Superintendent No. R.

As per above this letter

L.B. Kannanakar, petitioner 1m
DAO is under the Administrative
control of Account General
Bhilai. So, PWD has no
interference in the service matter

to DAO.

^{this}
Laid before the Court
Barber Court for further
order.

Subramanian
21/6/06

76-06
① Writ filed by R. No - 3.
② No Writ from 4-6.
③ No rejoinder filed.

Except for interim
application.

9-6-06

① Writ filed by R. No - 1 to 3

② No rejoinder has been
filed.
No rejoinder has been
filed on 24/3/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 79 of 2006

DATE OF DECISION: 25.04.2007

Shri Lani Bhusan Karmakar

..... Applicant/s

Mr. M. Chanda

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

- Versus -

U.O.I & Others

..... Respondent/s

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

Advocate for the
Respondents

CORAM

HON'BLE MR. G.SHANTTHAPPA, MEMBER (JUDICIAL)
HON'BLE MR. GAUTAM RAY, MEMBER, ADMINISTRATIVE

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


G. Shantthappa
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.79 of 2006

Date of Order: This the 25th Day of April, 2007

**HON'BLE MR. G.SHANTHAPPA, MEMBER (JUDICIAL)
HON'BLE MR.GAUTAM ROY, MEMBER,ADMINISTRATIVE**

Shri Lani Bhusan Karmakar
S/O.Late Keshetra Mohan Karmakar
Working as Divisional Accountant
In the office of Executive Engineer
Public Works Department
Dumaporijo Division, dist-Upper Subansiri,
Arunachal Pradesh

Applicant

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

- A N D -

1. The union of India,
Represented by the Comptroller
and Auditor General of India,
P.O. Bahadur Shah Zafar Marg,
New Delhi-110003.
2. The Accountant Generl (A&E)
Aruanchal Pradesh, meghalaya,
Aruanchal Pradesh etc.
Shillong-793001..
3. Dy.Accountant General (Admn)
O/O.The Accountant General (A&E)
Meghalaya, etc.
Shillong-793001
4. The State of Arunachal Pradesh,
Represented by the Secretary
to the Government of Arunachal Pradesh,
Public Works Department
Itanagar, Arunachal Pradesh
5. The Director of Accounts & Treasuries,
Government of Arunachal Pradesh
Naharlagan-791110.
6. The Executive Engineer,
Public Works Department,
Dumaporijo Division,
Upper Subansiri District,
Arunachal Pradesh.

Respondents.

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

ORDER (ORAL)G.SHANTHAPPA, MEMBER(JUDICIAL):

We have heard Mr.M.Chanda learned counsel for the applicant and Mr.M.U.Ahmed, learned Addl.C.G.S.C. for the Respondents. This Application is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

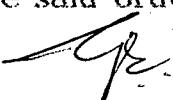
"That the Hon'ble Tribunal be pleased to set aside the impugned order bearing letter No. F. O. No. DA Cell/94 dated 06.02.2006 (Annexure 6) and further be pleased to direct the respondents to allow the applicant in his present place of posting till process of absorption of cadre of Divisional Accounts is completed."

2. The brief facts of the case according to the applicant are, the applicant was selected and appointed as Divisional Accountant on deputation basis under the 2nd respondent and working in the office of the 6th respondent. The 4th respondent had informed the 2nd respondent to take over the cadre of Divisional Accountant/Divisional Accounts Officer. 2nd respondent has issued a letter to the 4th respondent, wherein it has been intimated the confirmation of the Headquarters i.e 1st respondent on the matter of extension of deputation period of 31 Divisional Accounts including the applicant herein. In this aspect there is judgment of the Hon'ble High Court in respect of the 12 Divisional Accountants including the present applicant, is not being implemented. The applicant and others have filed O.A. No.114/05 before this Tribunal, for direction to consider the case of the applicant for absorption/continuation as Divisional Accountant in the light of the decision contained in letter dated 28.3.05. In the written statement of the said O.A, 5th respondent has



stated the Govt. of Arunachal Pradesh has submitted a scheme to the 3rd respondent herein, for taking over the administrative control of the cadres of the Sr. DAO/DAO Gr.I & II and DAOs and state of Arunachal Pradesh has consented for permanent absorption of the deputationists 2nd respondent. The 3rd respondent has framed a draft scheme regarding proposed transfer of Divisional Accountant cadre and the same is forwarded for acceptance of the terms and conditions mentioned in the scheme by the 2nd respondent. The 2nd respondent has issued the impugned order at Annexure 6. The Applicant submitted a representation modification/cancellation of the impugned order dated 6.2.06. The 6th respondent has expressed his inability to release the applicant without substitute in view of heavy work. Hence the relief as prayed for.

3. Per contra, the 3rd respondent has filed written statement on behalf of all the respondents, contending that the applicant is a regular employee of the 4th respondent. To fill up the post of vacancies in the cadre of Divisional Accounts, called for the applications under the Recruitment Rules, 1988, from the experienced staff of the PWD, PHE, RWD, I & FC, Electricity Divisions serving under the State Govt. of Tripura, A.P. and Manipur, who were willing to serve as Divisional Accountants on deputation basis. Accordingly, the applicant and others had been selected and posted under the administrative control of the 3rd respondent. Initially the deputation period was one year. The said period could be extended for a maximum of upto three years and in no case it will be extended beyond three years. After completion of the said period, the repatriation order to his parent department was issued to the applicant. The applicant moved the Court against the said order of repatriation. The Hon'ble High Court



of Gauhati, Itanagar Bench has disposed of the petition no.172/AP/of vide order 02 dated 1.2.2005. The applicant approached this Tribunal in O.A. 114 of 05 praying for permanent absorption under the administrative control of the 2nd respondent. The counsel for the State of Arunachal Pradesh has submitted the state has not yet taken any decision to take over the Divisional Accountants cadre from administrative control of 3rd respondent. The Financial Commissioner, Govt. of Arunachal Pradesh was informed vide D.O. letter dated 28.3.05, that the absorption of the Divisional Accounts as deputation was under consideration by the Comptroller & Auditor General of India. The said order was reaffirmed by the 5th respondent and affirmed that the order of the Hon'ble High Court will be implemented. Subsequently, the 1st respondent has issued an order dated 28.3.05, 24.5.05, 12.4.05 & 6.7.05 stating that it was not found possible as the Recruitment Rules do not provided for absorption.

4. After correspondence, the state Govt. accepts all the terms and conditions laid down by the 1st respondent for transfer and with the approval, the 1st respondent can be the administrative control of the cadre of Divisional Accountants be taken over by a State Govt. The State Govt. was reminded vide letter dated 28.4.06 for its response to the scheme to which till date of reply is awaited. The applicant was aware of the terms and conditions of deputation and he applied on his own volition. The respondents denied that the applicant's transfer to Manipur will entail the applicant's loss of the chance of absorption. The applicant was transferred in the public interest. The respondents have requested for dismissal of the O.A. and vacate the interim order dated 31.3.06 and allowed to be implemented.



5. Mr.M.Chanda learned counsel for the applicant has submitted that the applicants alongwith others have approached this Tribunal by filing the O.A. Nos.114 of 2005, 115 of 2005 and 238 of 2005. In the said O.A.s the present applicant is at number 8(eight) in O.A.No.114 of 2005. This Tribunal has directed the applicants in the said O.A.s to make individual comprehensive representations before the concerned Respondents forthwith and on receipt of such representations, the said Respondents shall consider and dispose of the same and take a decision thereon within a time frame of three months thereafter. In the said O.A.s Para 2 of the order referred the scheme of Government of Arunachal Pradesh. Since there was direction passed by this Tribunal there is no need for further directions to the respondents as directions have already been given in the earlier order. We are not inclined to issue a similar order in favour of the applicant in the present O.A.

6. In the present O.A. regarding the relief claimed by the applicant for continuation of the applicant in the present place of posting till process of absorption of cadre of Divisional Accountants is completed the same will be considered by the respondents as directed in the earlier O.A.s. In the present O.A. there is an interim order passed by this Tribunal directing the respondents to maintain the status quo as on 31.3.2006 which was extended from time to time. The interim order is in force till to day. The applicant is going to superannuate within a period of five months. The learned counsel for the applicant submits, if the applicant is continued till the decision to be taken as directed by this Tribunal in the above mentioned O.A, the applicant would be satisfied. The learned counsel for the respondents strongly opposed for such a direction.



7. Considering the submission of either side to meet the ends of justice we direct the respondents to continue the applicant as directed by the Tribunal in the interim order dated 31.3.2006 till the respondents take decision or till date of superannuation of the applicant which ever is earlier.

With the above directions the O.A. is disposed of. There will be no order as to costs.


(GAUTAM RAY)
ADMINISTRATIVE MEMBER


(G. SHANTHAPPA)
JUDICIAL MEMBER

lm

R-6 PWD 12

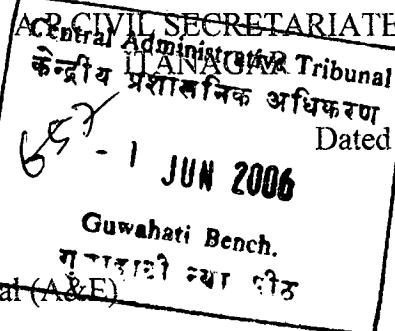
GOVERNMENT OF ARUNACHAL PRADESH
SECRETARIATE PUBLIC WORKS DEPARTMENT

No. SPWD 047/2004

To

The Accountant General (A&E)
D.A. Cell Section,
Meghalaya, Mizoram & Arunachal Pradesh
Shillong-793001

Dated Itanagar the 25th May 2006



Sub: Forwarding of CAT's application No 79/2006/453 dated 19.4.2006- Shri L.B. Karmakar-Vrs- Union of India & others.

Sir,

I am directed to forward herewith application No. 79/2006/453 dated 19.4.2006 along with its enclosures received from Central Administrative Tribunal Guwahati Bench, Guwahati on the subject mentioned above.

Shri L. B. Karmakar, DAO is under the administrative control of Accountant General Shillong. So, the Public Works Department has no interference in the service matter of DAO. Therefore, you are requested to take necessary action from your end please.

Yours faithfully,

(Takar Riba)
Under Secretary, PWD
Govt. of Arunachal Pradesh
Itanagar.

Memo No. SPWD 047/2004
Copy to:

Dated Itanagar the 25th May 2006

1. The Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati (Assam)

2. The Chief Engineer, Public Health Engineer Department, Arunachal Pradesh, Itanagar for information.

(Takar Riba)
Under Secretary, PWD
Govt. of Arunachal Pradesh
Itanagar.

SO(J)

Mr. Dulla
NJS
11/6/06



Rs. 5/- in respect of Receipt No. 6.
has been submitted to Account
Section but receipt not yet
received.

Par
30/3/06

11

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 79/06

1. a) Name of the Applicant: L. B. Karmakar
b) Respondents: - Union of India & Ors.
c) No. of Applicant(S): -

2. Is the application in the proper form: - Yes / No.

3. Whether name & description and address of the all the papers been furnished in cause title: - Yes / No.

4. Has the application been duly signed and verified: - Yes / No.

5. Have the copies duly signed: - Yes / No.

6. Have sufficient number of copies of the application been filed: Yes / No.

7. Whether all the annexure parts have impleaded: - Yes / No.

8. Whether English translation of documents in the Language: - Yes / No.

9. Is the application in time: - Yes / No.

10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed: Yes / No.

11. Is the application by IPO/ RD/ for Rs. 50/- 260322942

12. Has the application is maintainable: Yes / No.

13. Has the Impugned order original duly attested been filed: - Yes / No.

14. Has the legible copies of the annexures duly attested filed: Yes / No.

15. Has the Index of the documents been filed all available: - Yes / No.

16. Has the required number of enveloped bearing full address of the respondents been filed: - Yes / No.

17. Has the declaration as required by item 17 of the form: Yes / No.

18. Whether the relief sought for arises out of the Single: Yes / No.

19. Whether interim relief is prayed for: - Yes / No.

20. In case of Condonation of delay is filed is it Supported: - Yes / No.

21. Whether this Case can be heard by Single Bench/ Division Bench:

22. Any other pointd: -

23. Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is correct Alex

Form 30.3.5
SECTION OFFICER (J)

DEPUTY REGISTRAR

Chh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUWAHATI BENCH: CUWAHATI

O.A. No. 79 /2006

Shri Lani Bushan Karmakar.
-Vs-
Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

*10.03.1999- Applicant was selected and appointed as Divisional Accountant on deputation basis under the Respondent No. 2, and presently working in the office of the Executive Engineer, Public Works Department, Dumperijo Division, Upper Subansiri District, Arunachal Pradesh.

12.01.2000- The Director of Accounts & Treasuries, Govt. of Arunachal Pradesh had informed the Respondent No. 2 that the Govt. of Arunachal Pradesh is under active consideration to take over the cadre of Divisional Accounts/Divisional Accounts Officer. (Annexure-1)

11.03.2002- Commissioner Finance, Govt. of Arunachal Pradesh made a request to the Govt. of Arunachal Pradesh stating that the Divisional Accountants who were appointed on deputation basis may be allowed to continue as emergency Divisional Accountants. (Annexure-2)

28.03.2005- Respondent No. 2 has issued a letter to the Respondent No. 4, in response to his letter dated 24.03.05, wherein it has been intimated the confirmation of the Headquarters i.e. Respondent No. 1 on the matter of extension of deputation period of 31 Divisional Accountants (including the present applicants). It has also been communicated therein that for the present and in view of the developments, the judgment of the High Court in respect of the 12 Divisional Accountants (including the present applicant) is not being implemented. (Annexure-3)

26.09.2005- Applicant alongwith others have approached this Hon'ble Tribunal through O.A. No. 114/2005 praying for a direction to consider the case of the applicant for absorption/continuation as Divisional Accountant in the light of the decision contained in letter dated 28.03.2005. In the said O.A., the respondent State of Arunachal Pradesh has submitted a written statement wherein Respondent

18
K

No. 5 has stated that Govt. of Arunachal Pradesh has submitted a scheme to the A.G (A&E) Meghalaya, A.P etc., Shillong for taking over the administrative control of the cadres of the Sr. DAO/DAO Gr. I & II and DAOs. It is also stated that the state of A.P has consented for permanent absorption of the deputationists under the administrative control of the A.G (A&E), Meghalaya, A.P etc., Shillong. (Annexure- 4 Series)

25.11.2005- Office of the A.G (A&E) Meghalaya, A.P etc. Shillong, vide his letter dated 25.11.05 stated that the Office of the C & AG has framed a draft scheme regarding proposed transfer of Divisional Accountant cadre and the same is forwarded for acceptance of the terms and conditions embodied in the scheme by the Arunachal Pradesh Government. (Annexure- 5)

06.02.2006- Respondent No. 2 issued the impugned transfer and posting order dated 06.02.06 whereby the applicant is now sought to be transferred from Dumperijo (A.P) to the Imphal (Manipur) (Annexure- 6)

01.03.2006- Applicant submitted representation for modification/cancellation of the impugned transfer order dated 06.02.06 but to no result. (Annexure- 7)

28.02.2006- Executive Engineer, Dumperijo, PWD division expressed his inability to release the applicant without substitute in view of heavy work load.

Hence the present Original Application before this Hon'ble Tribunal.

P R A Y E R S

- 1 That the Hon'ble Tribunal be pleased to set aside the impugned order bearing letter No. E.O. No. DA Cell/94 dated 06.02.2006 (Annexure-6) and further be pleased to direct the respondents to allow the applicant in his present place of posting till process of absorption of cadre of Divisional Accountants is completed.
- 2.2 Costs of the application.
- 3 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

12

13

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 order bearing letter No. E.O. No. DA Cell/94 dated 06.02.2006 (Annexure-6) till disposal of the Original Application.

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 79 /2006

Sri Lani Bhusan Karmakar. : Applicant

Versus -

Union of India & Others : Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	—	Application	1-13
02.	—	Verification	-14-
03.	1	Copy of letter-dated 12.01.2000.	-15-
04.	2	Copy of letter dated 11.03.2002.	-16-
05.	3	Copy of the D.O letter dated 24.03.05/28.03.05	-17-
06.	4 (Series)	Copy of the written statement filed in O. A No. 115/2005 alongwith the letter dated 30.07.2005 and the scheme.	18-25
07.	5	Copy of letter dated 25.11.2005	-26-
08.	6	Copy of the impugned letter dated 06.02.2006	-27-
09.	7	Copy of the representation dated 01.03.06	-28-
10.	8	Copy of the letter dated 28.02.06.	-29-

Date : ~~20~~ 20.03.06.

Filed by

Surj
Advocate

(Lani-Bhusan Karmakar)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 79 /2006

BETWEEN

Shri Lani Bhushan Karmakar.
S/o late Kshetra Mohan Karmakar.
Working as Divisional accountant
In the office of Executive Engineer
Public Works department
Dumaporijo Division, Dist- Upper Subansiri,
Arunachal Pradesh.

...Applicant

-AND-

1. The Union of India,
Represented by the Comptroller and Auditor General of India,
PO, Bahadur Shah Zafar Marg,
New Delhi-110003.
2. The Accountant General (A&E)
Arunachal Pradesh, Meghalaya, Arunachal Pradesh etc.
Shillong-793001.
3. Dy. Accountant General (Admn.)
O/o The Accountant General (A&E) Meghalaya, etc.
Shillong-793001.
4. The State of Arunáchal Pradesh,
Represented by the secretary to the Government of Arunachal Pradesh,
Public Works department,
Itanagar, Arunachal Pradesh.
5. The Director of Accounts & Treasuries,
Government of Arunachal Pradesh,
Naharlagun-791110.

17
Fired by the applicant
Loring - C. Nati.
Advocate
30-06-08

(Lani Bhushan Karmakar)

6. The Executive Engineer,
 Public Works Department,
 Dumperijo division,
 Upper Subansiri District,
 Arunachal Pradesh.

...Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned transfer and posting order bearing letter No. E.O. No. DA Cell/94 dated 06.02.2006, issued by the office of the Accountant General (A&E) Meghalaya etc., Shillong, whereby the applicant is sought to be transferred and posted from the office of the Executive Engineer, Dumperijo, PWD, Arunachal Pradesh to the office of the Executive Engineer, Water Supply & Maintenance Division, PHE, Imphal and also praying for a direction upon the respondents to allow the applicant to continue at his present place of posting till completion of the process of taking over the administrative control of the cadres of Sr. DAO/DAO Gr. I/DAO Gr. II and DAO of working division belonging to PHE/RWD/IFCD/PWD/Power Department of A.P from the control of the A.G (A & E) Meghalaya, A.P etc. Shillong.

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 limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

Lami Bhupchan Kamli

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 the applicant is working at present as Divisional Accountant in the office of the Executive Engineer, Public Works Department, Dumperijo Division, Upper Subansiri District, Arunachal Pradesh.

It is stated that the state of Arunachal Pradesh does not have any independent accounts cadre of its own to man the accounts set up under its various department. As such the state puts requisition to the Respondent No. 2 for selecting and appointing the staff of Accounts Cadre, namely DA/DAO etc. from amongst the existing office staff serving under various departments of the state. The Respondent No. 2 selects candidates on behalf of the state and on their selection the said candidates are posted against the various posts of Accounts Cadre under the state. The salary and allowances of those candidates are also paid from the State exchequer but such appointments of the candidates are made on Deputation basis. It is thus evident that though the candidates are serving in state Government but on their selection against the posts of Accounts cadre they are again posted under the state but having been posted on deputation basis, they are under the Administrative Control of Respondent No. 2.

4.3 That as per the procedure stated above, the Respondent No. 2 vide Circular bearing No. DA CELL-2/49/97-98/Vol.II/245 dated 20.01.1998 invited applications from the candidates who were willing to serve as Divisional Accountant in Public Works Department for a period of one year on deputation basis. The applicant, who was then serving in the office of the Executive Engineer, P.W.D, Anini Division, had applied for the said post and thereafter was selected to the post of Divisional Accountant on deputation basis on 10.03.1999.

4.4 That the applicant was initially appointed as Lower division Clerk in the year 1972 in the office of the then Executive Engineer, PWD (Civil). He was then promoted as Upper Division Clerk in 1984 and posted under

(Signature)

PWD, Anini Division and eventually was selected to the post of Divisional Accountant (on Deputation) as stated above on 10.03.1999 and posted at Dumperijo where he is working till now. Although his deputation to the post of Divisional Accountant was initially for a period of one year but subsequently the term had been extended. It is thus evident that though the applicant is basically an employee of the state of Arunachal Pradesh and has been serving functionally under the state but he is under the administrative control of Respondent No.2.

4.5 That, initially, there was a move on the part of the Respondent No. 3 to take over the entire accounts set up from the administrative control of the respondent No. 2 in the manner as the Government of Assam had taken it over, which is evident from letter bearing No. DA/TRY/15/99 dated 12th January'2000. In the said letter, the respondent no. 5, while addressing the aforesaid letter to the respondent No. 2 had contended that as it was under active consideration of the Government of Arunachal Pradesh to take over the cadre of Divisional Accountants/Divisional Accounts Officers totaling 91 (Ninety One) posts from the existing combined cadre being controlled by the respondent No. 2 and now the respondent no. 3 had decided to take over the said cadre and place thus under the direct control of the respondent No. 5 with immediate effect.

It was further contended in the said letter that henceforth no fresh Divisional Accountants on deputation would be entertained however, cases of those who were presently on deputation and serving in the State would be examined for their future continuation even after completion of the term of deputation. Accordingly, the respondent No. 2 was requested to take necessary action so that the process of transfer of cadre alongwith the willing personnel could be completed immediately.

The respondent no. 5 also contended that that the formal notification in that regard was under issue and would be communicated in due course. But unfortunately, after the aforesaid letter dated 12th January'2000, the State respondent did not take any further action for taking over the accounts cadre from the administrative control of respondent no. 2 rather, the respondent no. 3 was silent in all these years

(Lam Bhupan Karmakar)

regarding proposal of taking over the accounts cadre from the respondent No.2.

Copy of the letter-dated 12.01.2000 is enclosed as Annexure -1.

4.6 That your applicant further begs to say that in the meanwhile on completion of 3 years deputation service, the respondent no.2 passed an order repatriating the applicant to his parent department, and the said order was challenged by the applicant initially before the learned Tribunal, however, the learned Tribunal upheld the order of repatriation. Thereafter the applicant preferred a writ petition before the Hon'ble Gauhati High Court challenging the impugned judgment of the learned Tribunal but the Hon'ble Gauhati High Court further confirmed the judgment of the learned Tribunal.

In the meanwhile commissioner (Finance), Govt. of A.P vide his letter bearing no. DA/TNY/15/99 dated 11.03.2002 made a request to the Govt. of A.P stating that the D.A who were appointed on deputation basis may be allowed to continue as emergency D.A for the time being as working arrangement but further absorption on regular basis they would be given chance to qualify themselves in the Divisional Accountants Exam. Which would be conducted by the State Govt. after taking over the administrative control of the cadre.

(A Copy of the letter dated 11.03.2002 is enclosed as Annexure- 2.)

4.7 That it is relevant to mention here that even after decision rendered by the Hon'ble Gauhati High Court (Itanagar bench) on 10.02.2005 upholding the repatriation order passed by the A.G (A & E) Shillong etc. in respect of the applicant and other similarly situated employees in the office of the A.G (A& E), Meghalaya, Shillong vide his D.O letter no. DA Cell/1-8/court case/2000-2001/1909 dated 24.03.2005/28-03-2005, it is informed to the Financial Commissioner to the Govt. of A.P, Itanagar that Headquarter has confirmed that the case for extension of the 31 deputationist working as D.A under the establishment of A.G (A & E), Shillong may be considered as well as on the question of absorption of 31 deputationist modalities would be worked out and also requested to ensure that the

(Lami Shyam Karmakar)

29
6

pending court cases of another 19 Divisional Accountant are withdrawn to facilitate their continued deputation/absorption.

Copy of the D.O letter dated 24.03.05/28.03.05 is enclosed herewith as Annexure- 3.

4.8 That your applicant along with others also preferred an original application before this Hon'ble Tribunal after receipt of the D.O letter dated 28.03.2005 (Annexure-3) praying for direction to consider the cases of the applicant for absorption/continuation as D.A in the light of the decision contained in the letter dated 28.03.2005, the said O.A is registered as O.A No. 114/2005 and the same is pending before this Hon'ble Court. The respondent no. 5 (respondent No. 11 of the O.A. No. 114/2005), for and behalf of the state of Arunachal Pradesh submitted a written statement before this Hon'ble Tribunal in O.A. No. 114/2005 on 26.09.2005, wherein the Respondent No. 5 i.e. Director of Treasuries stated in the said affidavit that the Govt. of A.P submitted a scheme to the A.G (A & E) Meghalaya etc. Shillong for taking over the administrative control of the cadres of Sr. DAO/DAO Gr. I/DAO Gr. II and DAO of working division belonging to PHE/RWD/IFCD/PWD/Power Department of A.P from the control of the A.G (A & E) Meghalaya, A.P etc. Shillong through letter no. DA/TRY/-27/2000/06-63 dated 30.07.2005 and requested to convey approval facilitating of smooth taking over cadre of DAs/ DAOs/ DAOs Grade- I & II from the administrative control of Respondent No. 2. It is specifically stated in paragraph 9 of the written statement that the State of A.P has consented the permanent absorption of the deputation under the administrative control of the A.G (A & E) Meghalaya etc. Shillong and therefore, it is stated that the Divisional Accountants on deputation be allowed to continue till such time the cadre is taken by the State Govt.

Copy of the written statement filed in O. A No. 115/2005 submitted by the state of A.P alongwith the letter dated 30.07.2005 and the scheme is enclosed as Annexure- 4 (Series).

(Laxmi Shushma (Karmalay))

4.9 That your applicant further beg to say that the office of the A.G (A & E), Meghalaya etc. Shillong vide letter bearing No. DA Cell/ I-1/2000-2001/1509 dated 25.11.2005, wherein it is stated that the office of the C & AG has framed a draft scheme regarding proposed transfer of D.As cadre and the same is forwarded for acceptance of the terms and conditions embodied in the scheme by the Arunachal Pradesh Government. It is further stated in the said letter dated 25.11.2005, that comments suggestion if any of the Govt. may be communicated to the office of the C & AG, therefore, it appears that C & AG has agreed to hand over the D.A cadre to the state of A.P with certain modification in the scheme initially proposed by the Govt. of A.P and it is expected that the process of handing over the cadre of D.As to the state of A.P is likely to be completed shortly.

Copy of the letter dated 25.11.2005 is enclosed as Annexure- 5.

4.10 That your applicant while working as such on deputation basis under the administrative control of AG (A & E), Meghalaya etc. Shillong, the office of the A.G (A & E) Meghalaya etc., Shillong issued the impugned order bearing letter No. E.O. No. DA Cell/94 dated 06.02.2006, whereby the applicant is now sought to be transferred and posted from the office of the Executive Engineer, Dumperijo PWD, Arunachal Pradesh to the office of the Executive Engineer, Water Supply & Maintenance Division, PHE, Imphal, when the process of handing over the cadre of D.As to the state of A.P is likely to be completed shortly. Therefore, in such a stage if the applicant is now transferred from Arunachal Pradesh to the State of Manipur in that event he will loss the facility of absorption like other similarly situated Divisional Accountants. Be it stated that the State of Manipur has not sent any proposal of taking over the cadre of Divisional Accountant to the A.G (A&E) Meghalaya etc. Shillong, therefore, if the applicant is now transferred to the State of Manipur in that event he will loss the facility of absorption.

A copy of the impugned letter dated 06.02.2006 is enclosed as Annexure-6.

Lami Bhuyan (Kosamkuri)

2

8

4.11 That applicant being highly disappointed submitted one representation on 01.03.2006, addressed to the Respondent No. 2, in the said representation applicant stated that his wife has been suffering from heart diseases along with other ailment and high blood pressure needs constant care of a cardiologist, which is not available at his present place of posting besides his daughter and son are studying at Roing, therefore he prayed for review of his transfer posting at Roing, Namsai. Besides, applicant also stated that his case for absorption is pending before the Hon'ble Tribunal. He also stated that he is retiring on superannuation with in a very short period, therefore, in such a situation if he is transferred from the State of Arunachal Pradesh to Manipur in that event it will be very difficult for settlement of his pensionery benefit etc. but to no result.

Copy of the representation dated 01.03.06 is enclosed herewith and marked as Annexure-7.

4.12 That it is stated that the wife of the applicant has been suffering from heart diseases along with other ailments and high blood pressure and needs constant care of a cardiologist which is not available at Dumperijo. As such the applicant has been facing great difficulties in getting proper medical aids for his ailing wife at Dumperijo.

4.13 That your applicant begs to state that Executive Engineer, Dumperijo PWD Division, Arunachal Pradesh vide his letter bearing No. DMJ/E-8/2005-06/6249-54 dated 28.02.06 addressed to the Respondent No. 2 stated that services of the Divisional Accountant are much essential during the financial year ending. Moreover, there is none to look after the Accounts work of him. Therefore, it is quite impossible to release the applicant without substitute during this financial year ending as such it is requested to post a suitable substitute against him so that he can be released. Be it stated that the applicant has not yet been released from his present place of posting till filing of the Original Application and no one has been posted at his place of posting at PWD Division, Dumperijo.

Copy of the letter dated 28.02.06 is enclosed herewith and marked as Annexure-8.

Lam Singhankumar

4.14 That your applicant further begs to say that the impugned order dated 06.02.06 is a isolated transfer order has been issued just at the moment when the entire Accounts set up is liable to be handed over by the respondent No. 2 to the State of Arunachal Pradesh and thereafter the State of Arunachal Pradesh after conducting the qualifying test will absorb the applicant in the event of his passing the said test and when such process of handing over of Accounts set up and absorption is going on the respondent No. 2/3 has issued the transfer and posting order to deny the legitimate claim of the applicant for absorption on regular basis as Divisional Accountant in the State of Arunachal Pradesh, therefore, if the impugned order of transfer is carried out in that event it will cause irreparable loss and injury to the applicant and his hope for absorption in the cadre of Divisional Accountant shall never be implemented as because there is no move from the State of Manipur for taking over the Accounts set up from the Accountant General.

In the facts and circumstances stated above the applicant has acquired a valuable and legal right for absorption in the State of Arunachal Pradesh, therefore the impugned transfer and posting order at this stage is not maintainable.

4.15 That your applicant further begs to say that he is an employee of the Govt. of Arunachal Pradesh and in anticipation he will be able to work in the higher post of Divisional Accountant in the State of Arunachal Pradesh he has applied for appointment to the post of Divisional Accountant on deputation basis but the respondents has picked up him for transfer and posting from the State of Arunachal Pradesh to the State of Manipur when the other deputationists belongs to the Govt. of Arunachal Pradesh are allowed to continue in the State of Arunachal Pradesh as such the action of the respondents in transferring the applicant in the State of Manipur is highly arbitrary, unfair and illegal and such action attracts Article 14 of the Constitution of the India and on that ground alone the impugned order of transfer and posting is liable to be set aside and quashed.

4.16 That your applicant begs to state that he has no other alternative but to approach this Hon'ble Tribunal for setting aside of the impugned order dated 06.02.2006 and further praying for a direction upon the respondents to allow the applicant to continue at his present place of posting till completion of the exercise of taking over the cadre of Divisional Accountants by the Respondent No. 2.

4.17 That this application is made bonafide and for the cause of Justice.

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

5.1 For that the isolated impugned transfer and posting order dated 06.02.06 has been issued when the process of absorption of the applicant as regular Divisional Accountant is under active consideration in terms of the policy scheme framed and submitted by the Govt. of Arunachal Pradesh before the respondent No. 2 and the respondent No. 2 on principle also agreed with the scheme with certain modification indicated in his letter dated 25.11.05 at this critical juncture transfer and posting of the applicant, who is regular employee of the State of Arunachal Pradesh working on deputation within the State of Arunachal Pradesh will suffer irreparable loss and injury if the applicant is transferred and posted in the state of Manipur.

5.2 For that applicant has opted to work on deputation basis since large number of posts of Divisional Accountants are available within the State of Arunachal Pradesh and accordingly applicant submitted his application for appointment on deputation basis to the post of Divisional Accountant to enable to serve him within the state of Arunachal Pradesh in a higher post on deputation as such solitary impugned order of transfer issued at the moment when handing over of the Accountants set up from the administrative control of respondents No. 2 to the administrative control of State of Arunachal Pradesh as well as process of absorption is likely to take place as such transfer order which is in violation of doctrine of legitimate expectation is liable to be set aside and quashed.

(Lami Bhushan Karmakar)

5.3 For that the impugned transfer and posting order is a solitary transfer order issued only respect of the applicant when other deputationists originally belongs to the State of Arunachal Pradesh are allowed to continue in the State of Arunachal Pradesh as such action of the respondents in transferring the applicant is an unprecedented order of transfer and as such the same has been passed in violation of Article 14 and as such the impugned order is liable to be set aside and quashed.

5.4 For that the impugned order dated 06.02.06 has not been passed in public interest but with a malafide intention to deny the legitimate claim of absorption of the applicant to the cadre of Divisional Accountant in the State of Arunachal Pradesh since the scheme has already been submitted by the applicant.

5.5 For that the State of Arunachal Pradesh has agreed to take up the entire Divisional Accountant cadres who are under deputation under the administrative control of Respondent No. 2, therefore in such a situation if the applicant is now transferred from the State of Arunachal Pradesh then he will lose the benefit of absorption.

5.6 For that in the letter dated 25.11.2005, that comments suggestion if any of the Govt. may be communicated to the office of the C & AG, therefore, it appears that C & AG has agreed to hand over the D.A cadre to the state of A.P with certain modification in the scheme initially proposed by the Govt. of A.P and it is expected that the process of handing over the cadre of D.As to the state of A.P is likely to be completed shortly, therefore in such a position if the applicant is transferred from the State of Arunachal Pradesh to the State of Manipur in that event applicant will lose the benefit of absorption.

5.7 For that, the wife of the applicant is a serious heart patient with hypertension and needs care of a cardiologist. The applicant himself is also a Cardiac patient and has been advised to avoid strenuous Vehicular journey and climbing steps or hilly places.

5.8 For that, there is no facilities for treatment of Heart diseases of his wife and himself at Dumperijo.

5.9 For that his prayer of transfer to Roing/Namsai if granted, will enable the applicant to save the life of his ailing wife.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. His all efforts and representations failed to have any consideration.

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

The applicant further declares that he has filed O.A. No. 114/2005 before this Hon'ble Tribunal which is pending for consideration and he has not filed any other application or writ petition before any of the Tribunal or Court.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant most humbly prays that the Hon'ble Tribunal be pleased to grant the following reliefs: -

8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order bearing letter No. F.O. No. DA Cell/94 dated 06.02.2006 (Annexure-6) and further be pleased to direct the respondents to allow the applicant in his present place of posting till process of absorption of cadre of Divisional Accountants is completed.

8.2 Costs of the application.

8.3 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.

Lam Bhupan Karmakar

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 order bearing letter No. E.O. No. DA Cell/94 dated 06.02.2006 (Annexure-6) till disposal of the Original Application.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I. P. O. No.	266 322942
ii)	Date of Issue	27.03.06.
iii)	Issued from	G.P.O, Bhyd
iv)	Payable at	G.P.O, Bhyd

12. List of enclosures.

As given in the index.

Lau. Bhushan Kaewvalam

VERIFICATION

I, Shri Lani Bhushan Karmakar S/o late Kshetra Mohan Karmakar, aged about years, Office of the executive Engineer, Public Works Department, Dumperijo Division, Dist-Upper Subansiri, Arunachal Pradesh 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 28th day of March, 2006.

Lani Bhushan Karmakar



GOVERNMENT OF ARUNACHAL PRADESH

Director of Accounts & Treasuries
Naharlagun-791 110

Dated, the 12th Jan 2000

No. P.A/TRY/15/99

To,

The Accountant General (A&E),
Arunachal Pradesh, Meghalaya, etc.,
Shillong - 793 001.

Sub : Transfer of the Cadre of Divisional Accounts
Officer / Divisional Accountants to the State of
Arunachal Pradesh - regarding.

Sir,

It was under active consideration of the Government of Arunachal Pradesh for sometime to take over the Cadre of the Divisional Accounts Officers / Divisional Accountants of the Works Department totaling 91 (Ninety one) posts from the existing combined cadre being controlled by you. Now, the Government of Arunachal Pradesh has decided to take over the above said Cadre under the direct control of the Director of Accounts & Treasuries, Govt of Arunachal Pradesh, with immediate effect.

Persons those who are borne on regular basis in the cadre and opt to come over to Arunachal Pradesh state Cadre, will be taken over on status quo subject to acceptance of the state Government. It is also decided that henceforth no fresh Divisional Accountant(s) on deputation will be entertained. Cases of those who are presently on deputation and serving in this state shall be examined at this end for their future continuation even after completion of the existing term of deputation.

It is, therefore, requested to take necessary action at your level so that the process of the transfer of the Cadre along with the willing personnel can be completed immediately.

Formal notification is wider issue and shall be communicated in due course.

Yours faithfully,

(Y. Megu)
12.1.2000

Director of Accounts & Treasuries
& Ex-Officio Dy. Secy. (Finance),
Govt. of Arunachal Pradesh,
NAHARLAGUN.

Attnctd
John
p.d.

53

Annexure - 1

GOVT OF ARUNACHAL PRADESH
DIRECTORATE OF ACCOUNTS & TREASURIES
NAHARLAGUN

NO. DA/TRY/15/99

Dated Naharlagun the 11th March '02.

To,

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

Sub:- Continuation of service in respect of the Divisional Accountant on deputation.

Sir,

I would like to inform you that the state cabinet of Arunachal Pradesh has already taken a decision for taking over of the administrative control of the cadres of Sr.DAO/DAO/DA of works divisions belonging to PWD/PHED/IFCD/RWD and Power department of Arunachal Pradesh. In order to ensure smooth transition of the controlling authority of the said cadres a scheme has already been formulated which is being submitted to you shortly for obtaining approval of the appropriate authority for issuance of a formal 'Notification'.

Meanwhile you are requested for not to make any fresh recruitment to the post of the Divisional Accountants against the Works divisions of the State of Arunachal Pradesh which is in continuation to our letter No. DA/TRY/15/99 dated 15/1/99. Fresh recruitment of the Divisional Accountants will be made by the state government through Arunachal Pradesh Public Service Commission. Therefore the Divisional Accountants those who are appointed by you on deputation from the state service of Arunachal Pradesh may be allowed to continue as Emergency Divisional Accountants for the time being as a working arrangement. But for their absorption on regular basis they will be given chance to qualify themselves in the Divisional Test examination which will be conducted by the state government through the authorized officer of the state government after taking over the administrative control of the cadres.

Yours faithfully,

(A.K. Guha)
Commissioner (Finance)
Govt. of Arunachal Pradesh
Itanagar.

Memo No. DA/TRY/15/99/

Dated Naharlagun the 11th March '02.

Copy to :-

- 1). The Chief Engineer, PWD (E/Z, W/Z)/PHED/IFCD/RWD and Power Department of Arunachal Pradesh for information.
- 2). All Executive Engineers, PWD/PHED/IFCD/RWD & Power department of Arunachal Pradesh for information. They are requested for not to release the Divisional Accountants, who are on deputation from the state service of Arunachal Pradesh, on expiry of their deputation term, until further order from this end.



(A.K. Guha)
Commissioner (Finance)
Govt. of Arunachal Pradesh
Itanagar.

*Accepted
M. D. S.
R.D.*

Test. Comm. 7/2/01.

(Typed copy)

Annexure-3

OFFICE OF THE ACCOUNTANT GENERAL (A&E)
MEGHALAYA, ARUNACHAL PRADESH & MIZORAM
SHILLONG- 793001

Phone: 0364-2223191 (O) Fax: 0364-2223103

E.R. Solomon
Accountant General

D.O. No. DA Cell/1-8/Court Case/2000-2001/1909

Dated: March 24, 2005
28 MAR 2005

Dear

Otem,

Please recall our telecon a little while ago regarding the Divisional Accountants on deputation to my office and presently posted in the State of Arunachal Pradesh. With reference to your D.O. letter No. DA/TRY/27/2002 dated 10.3.2005, I am to inform you that my Headquarters has confirmed that we could consider extension of the deputation of the present 31 Divisional Accountants presently on deputation to our department. As you are aware the Division Bench of the Gauhati High Court, Itanagar Bench had issued an order dated 10.2.2005 regarding the 12 Divisional Accountants on deputation who are to be reverted back to their parent departments in the Government of Arunachal Pradesh. This order is not being implemented presently and the remaining 19 Divisional Accountants who have cases pending in the Court/CAT may be immediately requested to withdraw all their court cases and once this is done, their continuity on deputation will be considered.

On the question of absorption of these 31 deputationists, my HQrs. has informed that the modalities will be worked out and this may be conveyed to these deputationists.

I request for your urgent action to ensure that the pending court cases of the 19 Divisional Accountants on deputation are withdrawn to facilitate their continued deputation/absorption.

Regards

Yours sincerely

Sd/-

Illegible

24.03.05.

Shri Otem Dai,
Financial Commissioner to the Govt. of Arunachal Pradesh.
Itanagar.

*Attested
Otem Dai
Adv.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. NO. 115 OF 2005

Shri L. Appal Swami & Ors

-Versus-

Union of India & Ors

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO. 11

I, Shri Jayanta Kumar Bhattacharya, son of late Anil Kumar Bhattacharya, aged about 47 years, presently posted as Finance & Accounts Officer in the Directorate of Accounts, Naharlagun and residing at Naharlagun, P.O. Naharlagun, Arunachal Pradesh do hereby solemnly affirm and state as follows :

1. That a copy of the original application being No. 115 of 2005 has been served upon me wherein I have been arrayed as Party Respondent No. 11, I have read the averments made in the application along with its annexures and understood the contents thereof.
2. That save and except what is specifically admitted in this Written Statement and the statements made in the application which are contrary to and inconsistent with the records shall be deemed to have been denied.
3. That the applicants filed the instant application seeking the relief viz :
 - i) That the applicants who are on deputation entitled to consideration as Divisional Accountant working under different Division offices of the Executive Engineers in the State of Arunachal Pradesh.

Attested
W. M. D.

38

ii) That before dealing with the said relief as prayed for, the deponent deals with different paragraphs made in the instant application for conveniences of the case in hand.

4. That with regard to the statements made in paragraphs 4.1 and 4.3 of the instant application the deponent states that these are matters of record and any statement made therein which are contrary to records shall be deemed to have been denied.

5. That with regard to the statements made in paragraphs 4.4 of the application the deponent states that the State of Arunachal Pradesh through its Principal Secretary (Finance) Government of Arunachal Pradesh has formulated a scheme for taking over the Administrative control of the cadres of Senior DAO/DAO Grade-I/DAO Grade-II and DA of working divisions alleging to PHE/RWD/IFCD/PWD/Power Department of Arunachal Pradesh from the control of Accountant General (A&E) Meghalaya, Arunachal Pradesh, etc. Shillong. The said scheme has been sent to the Accountant General (A&E) Meghalaya, Arunachal Pradesh etc Shillong for taking over of the administrative control of the cadre of Divisional Accountant from the later vide office letter dated 30.7.2005. This has been done in consonance to cabinet decision taken on 28.11.2001.

6. That with regard to the statement made in paragraph 4.5 of the application the deponent states that the question has been dealt with in the scheme which is quoted hereunder :

“2.2. The Divisional Accountants (on deputation) those who have completed the existing terms of deputation will be continued as Emergency Divisional Accountant for the time being as working arrangement. But for their absorption as regular Divisional Accountant they shall have to qualify themselves in the Divisional test examination within two years from the date of taking over the cadre from the

*Appd
in June
pt.*

administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong, for which they will be given three chances to qualify in the Divisional test examination. If any body fails to qualify in the Divisional test examination, shall be reverted to their parent department as and when qualified hand become available".

The said paragraph of the scheme has put certain conditions and these conditions are required to be fulfilled in order to get the permanent absorption in the cadre of Divisional Accountant working under different divisions of the Government of Arunachal Pradesh.

Copies of the communication dated 30.7.2005 and the scheme are annexed hereto as Annexure A and B respectively to this Written Statement.

7. That with regard to the statements made in paragraphs 4.6 and 4.7 of the application the deponent states that the Government of Arunachal Pradesh had reiterated its stand for continuation of Divisional Accounts on deputation till the process of taking over administrative control from Accountant General (A&E) Meghalaya, Arunachal Pradesh etc. Shillong is completed which is evident from Annexure I of the application dated 12.1.2000. ✓

8. That with regard to the statements made in paragraphs 4.8, 4.9, 4.10, 4.11, 4.12 and 4.13 of the application the deponent states that these are matters of record and any statement made therein which are contrary to records shall be deemed to have been denied. ✓

9. That with regard to the statements made in paragraphs 4.14, 4.15 and 4.16 of the application the deponent states that before submission of the scheme for taking

Affected
Chhaya
Par.

over of the cadre, the State of Arunachal Pradesh has/consented for permanent absorption of the deputationists under the administrative control of the Accountant General (A&E) Meghalaya, Arunachal Pradesh etc. Shillong.

The deponent further states that the Divisional Accountants on deputation be allowed to continue till such time the cadre is taken over by the State Government of Arunachal Pradesh keeping in view of the experience gathered by the serving deputationists and if the scheme is implemented and control of deputationists are taken over by the State of Arunachal Pradesh, the deputationists shall have to qualify themselves for permanent absorption indicated above.

VERIFICATION

I, Shri Jayanta Kumar Bhattacharya, son of late Anil Kumar Bhattacharya, aged about 47 years, presently posted as Finance & Accounts Officer in the Directorate of Accounts to the Government of Pradesh, Naharlagun, do hereby verify that the facts states herein above are true to my knowledge, information and belief derived from relevant records. Nothing substantial to the issue raised by way of the present O.A. has been concealed.

Verify at Guwahati on this day of 26th September, 2005.

DEPONENT

*J. K. Bhattacharya
Guwahati*

To:

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

Sub:- Submission of scheme for taking over the administrative control of the
cadres of Sr. DAO/DAO Grade - I DAO, Grade - II and Divisional
Accountant - thereof.

Sir,

I am directed to submit herewith the proposed scheme for taking over the
administrative control of cadre of Divisional Accountants comprising Sr. DAOs / DAOs
Grade - I & II and Divisional Accountants by the Government of Arunachal Pradesh presently
vested under your kind control.

I am further directed to state that the State cabinet had since approved the
proposal to take over the cadre and the Departments of Law & Judicial, Personnel &
Administrative Reforms of the state have duly vetted the scheme after thorough examination.

In view of the progress as stated above, I am directed to request you to convey
your approval facilitating smooth taking over of the cadre of DAs / DAOs / DAOs Grade - I & II
from your kind control.

Kindly acknowledge the receipt of the scheme enclosed in quadruplicate.

Enclo : As stated above.

Yours faithfully

(C.M. Mongmaw),
Director of Accounts & Treasuries,
Govt. of Arunachal Pradesh,
Naharlagun - 791110 (A.P.)

Dated _____ July '2005.

Memo. NO. DA/TRY-27/2000

Copy to :-

1. P.S. to Principal Secretary (Finance) to the Govt. of Arunachal Pradesh, Itanagar
for information.
2. The Secretary, Law & Judicial to the Govt. of Arunachal Pradesh for information
please.
3. The Secretary, Personnel & Administrative Reforms, to the Govt. of Arunachal
Pradesh, Itanagar for information please.

(C.M. Mongmaw),
Director of Accounts & Treasuries,
Govt. of Arunachal Pradesh,
Naharlagun - 791110 (A.P.)

Signature

P. H. K. S.
M. Mongmaw
P. H. K. S.

Re

The Scheme for taking over of the Administrative Control of the Cadres of Sr. DAO/DAO Grade-II/DAO Grade-II and DA of Working Divisions belonging to PHE/RWD/IFCD/PWD/Power Department of Arunachal Pradesh from the control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc. Shillong.

The posts of Divisional Accountants were created by the State Government in the Public Works Department / Rural Works Department / Public Health Engineering Department/Irrigation & Flood Control & Power Department, but the administrative control i.e. appointment, transfer, posting & disciplinary control, etc. vested with the Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong. The Divisional Accountants comes under the immediate control of the Executive Engineers of the Divisions. They assist the Executive Engineers while rendering accounts to the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong. Their pay and allowances and other service condition are at present governed by the Central Government rules in force, but they are paid from the state Government's exchequer. The question of taking over the cadres of the Divisional Accountants from the administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong had been under active consideration of the state Government for quite sometimes past in order to have proper control over expenditure and other accounts matters of the works Divisions, since it has become essential for the state Government to have better control on the heavy expenditure incurred in various engineering divisions of the state. Now, the Government of Arunachal Pradesh has decided in pursuance of cabinet decision of the State for taking over of the administrative control of the cadres of Sr. DAO/DAO/DA from the Accountant General (A& E), Meghalaya, Arunachal Pradesh, etc., Shillong.

To take over the cadre of Sr. Divisional Accounts Officers/Divisional Accounts Officers/Divisional Accountants from the administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong, shall be subject to the following terms and conditions.

1. Absorption of DA/DAO and Sr. DAO (Regular) borne on the cadre of the A.G to State Cadre.

1.1 Sr. Divisional Accounts Officers / Divisional Accounts Officers / Divisional Accountants (Regular) borne on the cadre of the Accountant General who are presently working in the State of Arunachal Pradesh may opt to serve in the State cadre on status quo. The willing Sr. Divisional Accounts Officers/Divisional Accounts Officers /Divisional Accountants (Regular) working in the State may submit their options to the Secretary to the Government of Arunachal Pradesh, Department of Finance, Arunachal Pradesh, Itanagar through the concerned Executive Engineers within 2 (Two) months from the date of issue of the 'Notification' under intimation to their parent department.

1.2 The Sr. Divisional Accounts Officers / Divisional Accounts Officers /Divisional Accountants (Regular) who do not opt for state service condition, but willing to continue in the post shall be allowed to serve on standard terms and conditions of deputation duly approved by the state Government for period up to 3 (Three) years which may be extended up to 2 (Two) years in the interest of Public Service. They shall be reverted to their parent Department immediately on expiry of their respective deputation period.

1.3 The Sr. Divisional Accounts Officers/Divisional Accounts Officers /Divisional Accountants (Regular) who opt to serve in Arunachal Pradesh shall continue to be governed by the Central Rules for pension and other retirement benefits as applicable from time to time.

1.4 The inter-se seniority of the Sr. Divisional Accounts Officers / Divisional Accounts Officers/Divisional accountants (Regular) who opt for the State Service shall be fixed in the state cadre basing on their inter-se seniority as Sr. Divisional Accounts Officers / Divisional Accounts Officers Grade-I/ Divisional Accounts Officer Grade-II/Divisional Accountants on the date of taking over of the cadre.

*A. H. K. S.
Subhankar
Pant*

1.5 Sr. Divisional Accounts Officers/Divisional Accounts Officers Grade-I/Divisional Accounts Grade-II/Divisional Accountants (Regular) are now drawing the following scale of pay as per central pay pattern.

A) Divisional Accountant	Rs.5000-150-8000/-
B) Divisional Accounts Officer (Grade-II)	Rs.5500-175-9000/-
C) Divisional Accounts Officer (Grade-I)	Rs.6500-200-10,500/-
D) Divisional Accounts Officer (Sr. Grade)	Rs. 7500-250-12000/-

The cadre of Sr. Divisional Accounts Officers/ Divisional Accounts Officers Grade-I & II/ Divisional Accounts who are working in Arunachal Pradesh on regular basis shall be allowed to continue for drawal of their pay and allowances in the existing scales of pay even after taking over by the state Govt.

1.6 The Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong shall obtain the option in triplicate in the prescribed form as annexed herewith from the Sr. DAO/DAO Grade-I DAO Grade-II/DA borne on his cadre and serving in the state of Arunachal Pradesh on the date of taking over the cadre by the state Government through the Executive Engineer of the Divisions and furnish one copy of each option exercised by the Sr. Divisional Accounts Officers/Divisional Accounts Officers Grade-I Divisional Accounts officers Grade-II/Divisional Accountants to the Secretary to Government of Arunachal Pradesh, Department of Finance, on receipt of the options.

Divisional Accountants on Deputation

2.1 Divisional Accountants who are working in the works divisions in Arunachal Pradesh on deputation shall be allowed to continue serving in the post of Divisional Accountant on deputation till they complete their normal terms of deputation.

2.2 The Divisional Accountants (on deputation) those who have completed the existing term of deputation will be continued as Emergency Divisional Accountant for the time being as working arrangement. But for their absorption as regular Divisional Accountant they shall have to qualify themselves in the Divisional test examination within two years from the date of taking over the cadre from the administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong, for which they will be given three chances to qualify in the Divisional test examination. If anybody fails to qualify in the Divisional test examination, shall be reverted to their parent department as and when qualified hand become available.

Administrative Control

3. The administrative control of Sr. Divisional Accounts Officers/Divisional Accounts Officers/Divisional Accountants shall be vested with the Finance Department, Government of Arunachal Pradesh, Itanagar and will be exercised by the Secretary, to the Government of Arunachal Pradesh, Department of Finance.

Recruitment

4. The state government through Arunachal Pradesh Public Service Commission shall fill up all the vacancies of Divisional Accountant.

Method of Recruitment:

5.1 The Arunachal Pradesh Public Service Commission shall make recruitment to the Cadre of Divisional Accountant by selection on merit adjudged from the following sources through written and competitive and qualifying test called the Initial Recruitment Examination for Divisional Accountant (Annexure-I).

5.2

Age Limit for "Direct Recruitment":

Candidate should not be less than 18 years and more than 28 years of age, provided that the initial age limit may be relaxed up to 33 (thirty three) years in case of APST candidates in accordance with the order of the state government from time to time. In case of existing / working Divisional Accountants, upper age limit is relaxable upto 52 years.

5.3

Education Qualification:

Minimum Educational qualifications for direct recruit shall be a University Degree / graduate with any one of the subjects namely Mathematics, Statistics, Commerce, Economics, from a recognized University.

Note:- Age Limit and Education as prescribed at serial 5.2 & 5.3 above shall not be applicable in case of eligible departmental candidate(s).

5.4

Appointing Authority:-

The Secretary to the Government of Arunachal Pradesh Department of Finance shall be the appointing authority subject to the approval of the Government.

5.5

Probation and Training:-

Candidates recruited through the Initial Recruitment Examination will be on probation for a period of 2 (Two) years before their absorption in the cadre of Divisional Accountant. During this period he/she shall be given training for a period of 6 (six) months in the Administrative Training Institute and thereafter intensive practical training in all aspects of public works accounts for a further period of 6 (Six) months.

After this training, the candidates are required to pass the Divisional Test, which will be conducted by Director of Accounts and Treasuries. Till such time as the trainees, they are posted as Divisional Accountant on probation. After passing the Divisional Test Examination supernumerary posts equal to the number of such trainees will be deemed to be created for their absorption on completion of probation period.

6.

Transfer & Posting:-

Divisional Accountants / Divisional Accounts Officers are to serve anywhere within Arunachal Pradesh and are liable for transfer to the establishments of Chief Engineers / Director of Accounts & Treasuries wherein such posts exists.

7.

Transfer of record:-

The Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong shall take necessary action to transfer the relevant records to the Secretary to the Government of Arunachal Pradesh Department of Finance within 3 (Three) months from the date of issue of the notification.

Sd/-
(Tabom Bam),
Principal Secretary (Finance),
Govt. of Arunachal Pradesh
Itanagar.

A. H. Bam
Tabom Bam
P.D.V.

Registered Post

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA, SHILLONG

SHILLONG : 793001.

No.DA Cell/1-1/2000-2001/ 1509

Dated:- 25.11.2005

To

Shri C.M. Mongmaw,
 Director of Accounts and Treasuries,
 Government of Arunachal Pradesh,
 Naharlagun - 791 110.
 Arunachal Pradesh.

Sub:- Scheme for transfer of cadre of DA&E & On going the Administrative control
 of A.G.(A&E) Meghalaya, etc, Shillong to the Govt. of Arunachal Pradesh.

Sir,

In inviting a reference to this office letter No. DA Cell/1-8/Court case/Vol.I/1045 dated 23.8.2005 on the subject cited above, I am to state that the draft scheme framed by the C&AG's office regarding proposed transfer of DA's cadre has been received by this office. A Copy of the draft scheme is forwarded herewith for acceptance of the terms and conditions embodied in the scheme by Arunachal Pradesh Government.

Comments/suggestion if any, of the government may be communicated to this office for onward transmission to the O/o the C&AG of India for consideration/approval. Also the action taken by the State Government on this office letter No. DA Cell/1-1/2000-2001/1390 dated 31.10.2005 (Copy enclosed) may also please be communicated at an early date.

Enclo:- As stated above.

Yours faithfully,

A.K. Das
 (A.K. Das)
 Dy. Accountant General (Admin)

A.K. Das
 (A.K. Das)
 Dy. Accountant General (Admin)

Speed Post

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

E.O.No. DA Cell/ 94

Dated :- 6.2.2006.

Shri Lani Bhusan Karmakar, Divisional Accountant on deputation in the office of the Executive Engineer, Dumperijo PWD, Arunahcal Pradesh is hereby transferred and posted to the office of the Executive Engineer, Water Supply & Maintenance Division, PHE, Imphal with immediate effect.

Manipur

Authority:- AG's order dated 6.2.2006 at page 22N in the file no. DA Cell/PC/LKB/

Sd/-
Dy. Accountant General (Admn)

Memo No. DA Cell/PC/LKB/ 1747 - 1754

Dated:-6.2.2006

Copy forwarded to for information and necessary action to :-

1. The Chief Engineer, PWD, Govt. of Arunachal Pradesh, Itanagar.
2. The Sr.Dy.Accountant General (A&E), Manipur, Imphal.
3. The Director of Accounts & Treasuries, Govt. of Arunachal Pradesh, Naharlagun, Arunachal Pradesh.

4. The Executive Engineer, Dumperijo P.W.D. Dumperijo, - 791122 Arunachal Pradesh. He is requested to release Shri L.B.Karmakar, Divisional Accountant on deputation by 11th February 2006 positively with the direction to join in the new place of posting. The date of his release from the division may be intimated telegraphically.

5. The Executive Engineer, Water Supply & Maintenance Division, PHE, Imphal. He is requested to intimate the date of joining of Shri L.B.Karkamakar.

6. Shri Lani Bhusan Karmakar, D.A. on deputation O/o the Executive Engineer, Dumperijo P.W.D. Dumperijo- 791122, Arunachal Pradesh.
P.C. of Shri Karmakar.

7. E.O. file.

Om Prakash
Sr. Accounts Officer,
I/c DA cell.

*Attached
Chitrakar
DAW*

No: LBK/PF-1/DMJ/2005-06/19 - 21

To,

✓ The Accountant General (A&E)
 Meghalaya, Arunachal etc.
 Shillong - 793001.

Sub: Prayer for review of posting place on the point of humanitarian ground.

Ref: Your order No. DA/Cell/PC/LKB/1747-1754 dt.06/02/2006.

Sir,

With due respect and profound veneration I beg to inform with heavy heart that I have been transferred and posted to the establishment of Executive Engineer, Water Supply & Maintenance Division, PHE Division, Imphal.

That Sir, my wife has been suffering from heart disease along with other ailment and high blood pressure needs constant care of a Cardiologist, which is not available at Dumperijo. Besides, my daughter and son are studying at Roing. There academy session are in full swing as such if my transferred considered at Imphal their carrier will be nipped in the bud which may be my mental agony. Further it is my beyond capacity to bring the whole family members to new posting place that is Imphal on the ground as stated above as the condition of my wife being worsening and she had to frequent medical check up with a Cardiologist. Due to endless anxieties over these years and transfer / posting bolt me from the blue in this regard.

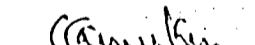
That Sir, I have submitted several representations in your good offices to consider my transfer at Roing and Namsai under the jurisdiction of AP PWD instead of Imphal. In this connection copy of my representation dated 18/05/1999, 20/05/2000, 24/05/2001 and 05/05/2002 is enclosed herewith for ready reference please.

That Sir, it is needless to mention here that honorable tribunal was seized that the applicant should not be disturbed from the present place of posting and status quo shall be maintained till consideration of there case by the learned trib. and. However copy of the honorable tribunal order dated 24/05/2005 is enclosed herewith for perusal please on the other hand I am attending the age of superannuating retirement with in a very short period. If my transfer considered further correspondences will be delayed for getting pensionary benefit etc etc.

Under the circumstances as stated above I do fervently request your good self to review my transfer posting at Roing, Namsai etc for welfare of the whole members of family for this act of kindness I shall ever remain grateful to you and obliged.

Enclose: As stated above.

Yours faithfully



(L.B.KARMAKAR)

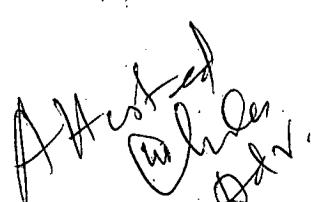
Divisional Accountant

Dumperijo PWD Division

Dumperijo.

Copy to:

- 1) The Chief Engineer, Eastern Zone, APPWD, Itanagar for favour of information please.
- 2) The Sr. Dy. Accountant General (A&E), Manipur Imphal for favour of information please.
- 3) The Director of Accounts & Treasuries, govt of Arunachal Pradesh, Naharlagun, AP for favour of information please.
- 4) The Executive Engineer, Dumperijo PWD Division, Dumperijo for information please.
- 5) The Executive engineer, Water Supply & Maintenance Division, PHE, Imphal.



(L.B.KARMAKAR)

Divisional Accountant

Dumperijo PWD Division

Dumperijo.

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE EXECUTIVE ENGINEER : DUMPORIJO APPWD DIVISION
DUMPORIJO - 791122

No:DMJ/E-8/2005-06/ 6249 - 50

Dated Dumperijo, February 28, 2006.

To,

*The Accountant General, (A&E)
Meghalaya, Arunachal etc.
Shillong - 1.*

Sub : Regarding release of Sri L.B.Karmakar, DA.

Ref : Your Order Memo No. DA Cell/PC/LKB/1747-1754 dt. 06/02/2006.

Sir,

With reference to above, it is to mention that the services of Divisional Accountant are most essential during the financial year ending. Moreover there is no body in this division to look after his work. Therefore it is quite impossible to release of Sri L.B.Karmakar, DA without substitute during this financial year ending as such it is requested to post a suitable substitute against him. So that he can be released.

This is for favour of your kind consideration please.

Yours faithfully

G. M.
Executive Engineer
Dumperijo PWD Division
Dumperijo.

No:DMJ/E-8/2005-06/

Dated Dumperijo, February 27, 2006.

Copy to:

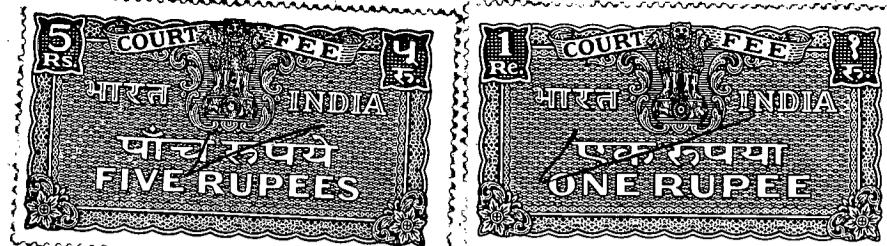
- 1) The Chief Engineer, Eastern Zone, APPWD Itanagar for information please.
- 2) The Sr. Dy Accountant General (A&E), Manipur, Imphal for information please.
- 3) The Director of Account's & Treasuries, Govt of A.P., Nahanlagun for information please.
- 4) The Executive Engineer, Water Supply & Maint Division, PHE, Imphal for information please.
- 5) Sri L.B.Karmakar, DA for information.

Executive Engineer
Dumperijo PWD Division
Dumperijo.

*Attached
Copy
P.W.D.*

38

copied and sent



VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 79 /2006

...Applicant(s)

Shri Lani Bhushan Karmakar.

-Vs-

Union of India & others

...Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri G. N. Chakraborty, Sri S. Nath and S. Chowdhury, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 30th day of March 2006.

Received from the Executant, Mr. _____ And accepted
satisfied and accepted. Senior Advocate will lead me/us in the case.

Advocate

Advocate

Advocate

From: Shri S. Nath
Advocate.
C.A.T. Amritsar.
Bench - Committee

To Shri G. Brishya.

Sr. C.C.S.C.

C.A.T. Amritsar.
Bench, Committee.

Dear Sir,

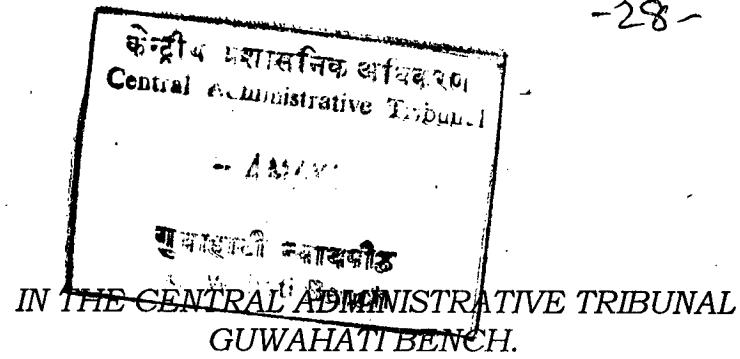
Enclosed Please find herewith a copy of original Application filed, by Shri L.B. Karimkar, ^{D.A.} under Section 19 of the Administrative Tribunal Act 1985, this is for your kind information and necessary action.

Yours faithfully
Shri S. Nath

Advocate.

Date 30-3-2006

I understand to serve or
copy of this O.P. to gain
Sr. C.C.S.C.
Shri G. Brishya. In the
within the cause
of Shri S. Nath
Date:



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

IN THE MATTER OF

O.A. No. 79/2006

SHRI LANI BHUSAN KARMAKAR

APPLICANTS

VERSUS

THE UNION OF INDIA & OTHERS.

RESPONDENTS

AND

IN THE MATTER OF:

Written statement submitted by Respondent Nos.1 to 3.

WRITTEN STATEMENTS

The humble Respondents submit their Written Statement as follows:-

1. That with reference to statements made in paragraphs 1 to 4.1 of the Original Application, the Respondents humbly submits that he has no comments to offer.
2. That with reference to statement made in paragraphs 4.2 4.3 and 4.4 in the Original Application, the Respondents humbly submit that the Applicant is a regular employee of the Government of Arunachal Pradesh Since there were vacancies in the cadre of Divisional Accountants administered by Respondent No.2 and since direct recruitment (as provided for in the Recruitment Rules 1988 for Divisional Accountants) through the Staff Selection Commission to fill up the vacancies would take time, Respondent No.2 from time to time called for applications from the experienced staff of Public Works Department, P.H.E., R.W.D., I&FC, Electricity Divisions serving under the state governments of Tripura, Arunachal Pradesh, Manipur who were willing to serve as Divisional Accountants on deputation basis in the states of Manipur, Tripura and Arunachal

File 57
M. U. Ahmed, C. 652
4/5/06

Pradesh. Accordingly the applicant (amongst others) had been selected and posted as Divisional Accountant on deputation basis under the administrative control of this office. The letter of Respondent No.2 appointing the Applicant as Divisional Accountants on deputation categorically stated that the period of deputation was initially for one year and that the Applicant was liable to work as a Divisional Accountant on deputation basis in any of the three states of Manipur, Tripura and Arunachal Pradesh. The said letter also stated that the period of deputation could be extended for a maximum of upto three years and in no case it will be extended beyond three years.

Recruitment Rules 1988 (Appendix -I)

Appointment letter dated 10.3.1999 (Appendix -II)

3. That with reference to the statement made in the paragraphs 4.5 and 4.6 of the Application, the Respondents humbly submit that on completion of the Applicants deputation period, the repatriation order to his parent department was issued to the Applicant. However, the Applicant instead of reporting back to his parent department moved the court against the repatriation orders of this office. The Hon'ble Itanagar Bench of Guwahati High Court in its order dated 1.2.2005 disposed off the case as Hon'ble court did not find any merit in the petition. In light of the Hon'ble Court's order dated 1.2.2005, repatriation orders were again issued to the Applicant. The Applicant then approached to the Hon'ble Central Administrative Tribunal vide O.A. No.114/2005 for permanent absorption to the cadre of Divisional Accountants under the administrative control of the Respondent No.2. Inspite of repatriation order the Applicant is continuing in the deputation post. The Government of Arunachal Pradesh in January 2000 had vide its letter No.DA/TRY/15/99 dated 12.1.2000 informed the Respondent No.2 that take over the Divisional Accountants cadre in Arunachal Pradesh by the State Government from Respondent No.2 was under active consideration. Thereafter, the State Government did not initiate any further move to take over the cadre of Divisional Accountants in the State of Arunachal Pradesh. Further, the Itanagar Bench of the Guwahati High Court in its order dated 1.2.2005 disposing off Writ Petition (c) No.172 (AP) of 2002 observed that Mr. B.L.Singh, Learned Senior

Advocate on behalf of the State of Arunachal Pradesh, has submitted that the State of Arunachal Pradesh has not yet taken any decision to take over the Divisional Accountants cadre from the administrative control of the Accountant General (A&E) Meghalaya,etc., Shillong.

Letter No.DA/TRY/15/99 dated 12.1.2000- (Appendix – III)

4. That with reference to the statement made in paragraphs 4.7, the Respondents admit that the Financial Commissioner, Govt. of Arunahcal Pradesh was informed vide D.O. letter No.DA Cell/1-8/Court Case/2000-2001/1909 dated 28.3.2005 that the question of absorption of the Divisional Accountnts on deputation was under consideration by the office of the Comptroller and Auditor General of India. Subsequent to this in reply to letter No. DA/TRY/Part/15/99 dated 12.4.2005 from the Director of Accounts & Treasuries, Govt. of Arunachal Pradesh , Respondent No. 2 reaffirmed vide letter No. DA Cell/1-8/Court Case/2000-2001/147 dated 24.5.2005 the decision to repatriate 12 Divisional Accountants on deputation in light of the Hon'ble Guwahati High Court, Itanagar Bench judgement dated 1.2.2005 and repatriation orders were being issued shortly and further, that the Standing Counsels had been requested to take necessary steps to transfer the remaining similar pending cases before the Hon'ble Guwahati High Court to the Itanagar Bench of Guwahati High Court for speedy disposal of the cases.

Subsequent to the above, the Comptroller & Auditor General of India (Respondent No.1) had confirmed vide letter D.O. No.425 N.G.E. (App)/10-2005 dated 6.7.2005 that the question of absorbing the Divisional Accountants in the Divisional Accountants cadre had been examined, but it was not found possible as the Recruitment Rules of Divisional Accountant do not provide for such absorption.

D.O. letter No.DA Cell/1-8/Court Case/2000-2001/1909 dated 28.3.2005 (Appendix IV)

Letter No. DA Cell/1-8/Court Case/2000-2001/147 dated 24.5.2005(Appendix- V)

4
52

Letter No. DA/TRY/Part/15/99 dated 12.4.2005 -(Appendix -VI)

D.O. No.425 N.G.E. (App)/10-2005 (Appendix - VII)

5. That with reference to the statements made in paragraph 4.8 and 4.9 of the Application, the Respondents humbly submit that as stated in paragraph 3, in January 2000 the Government of Arunachal Pradesh submitted a proposal to transfer the cadre of Divisional Accountant to the control of the Director of Accounts & Treasuries, Govt. of Arunachal Pradesh. It was also stated that the formal notification in this regard would be communicated by the State Government in due course. However, no such notification was issued by the Government of Arunachal Pradesh. It may be pointed out here that State Govt. cannot unilaterally take over the cadre of Divisional Accountants which is under the cadre control of any state Accountant General without the prior consent and approval of the Comptroller and Auditor General of India. Only after the State Government accepts all the terms and conditions laid down by the Comptroller and Auditor General of India for such transfer and with the approval of the Comptroller and Auditor General of India can the administrative control of the cadre of Divisional Accountants be taken over by a State Government.

Again, in the month of July 2005 the Government of Arunachal Pradesh forwarded a scheme for taking over the cadre of Divisional Accountants from the administrative control of Respondent No.2. The said scheme was forwarded to the Comptroller and Auditor General of India for a decision. The Comptroller and Auditor General of India in turn prepared a modified scheme based on the State Government's proposal. The modified scheme as prepared by the Comptroller and Auditor General of India was forwarded to the State Government under letter No. DA Cell /1-1/2000-2001/1509 dated 25.11.2005 for acceptance/comments. The State Government was reminded vide letter DA Cell /1-1/2000-2001/28 dated 28.4.2006 for its response to the scheme to which till date, a reply is awaited. It is again humbly submitted that the post of Divisional Accountant to which the Applicant was appointed on deputation basis is a Central Civil post under the Union of India. The handing over of the Divisional Accountants cadre from the administrative control of the Accountant General

cannot take place without consent of the Comptroller and Auditor General of India.

Copy of C&AG's Draft Scheme vide letter No. DA Cell/1/1/2000-2001/1509 dated 25.11.2005 (Appendix -VIII)

No. DA Cell/1/1/2000-2001/28 dated 28.4.2006 (Appendix - IX)

Copy of the draft scheme of Govt. of AP vide DA/Try-27/2000/1060-63 dated 31.7.2005 (Appendix-X)

6. That with reference to the Statement made in paragraph 4.10 of the Application, the Respondents humbly submit that the Divisional Accountants cadre in the three states of Arunachal Pradesh, Manipur and Tripura is under the administrative control of the Respondent No. 2 and the Divisional Accountants are liable to be transferred and posted in any of the three states. The Applicant fully aware of the terms and conditions of his deputation as detailed in his appointment order and that he was liable to be transferred to any place of within the States of Arunachal Pradesh, Manipur and Tripura applied for the post of Divisional Accountant on deputation entirely on his own volition. It is categorically denied that the Applicant's transfer to Manipur will entail the Applicant's loss of the chance of absorption in the cadre which may be afforded to similarly placed persons as the Applicant, should the cadre of Divisional Accountants in Arunachal Pradesh be taken over by the State Government.

7. That with reference to the Statement made in paragraph 4.11 and 4.12 of the Application, the Respondents humbly submit that the Applicant was transferred in the public interest to the O/o the Executive Engineer, Water Supply & Maintenance Division, PHE Imphal vide this office E.O. No. DA Cell/94 dated 6.2.2006 since the Applicant was posted in Dumperijo, Arunachal Pradesh continuously since his joining as a Divisional Accountant on deputation on March 1999. The Applicants representation against his transfer dated 1.3.2006 was considered but not agreed to. The posting of the Applicant to Imphal will not have any adverse effect on the settlement of his pensionary benefits etc. as the Applicant will continue to be under the administrative control of Respondent

No2. Further, it is submitted that better medical facilities are available at Imphal than at Dumporijo, Arunachal Pradesh.

E.O. No. DA Cell/94 dated 6 2.2006 (Appendix -XI)

8. That with reference to the Statement made in paragraph 4.13 of the Application, the Respondents humbly submit that the request of the Executive Engineer, PWD, Dumporijo, Arunachal Pradesh for posting of a substitute against the Applicant was considered and a substitute was posted to the Division vide this office E.O. Order No. DA Cell/103 dated 23.2.2006. Futher, the financial year 2005-2006 has since ended and there should be no problem in the Executive Engineer releasing the Applicant to enable him to join at Imphal

E.O. No. DA Cell/103 dated 23 2.2006 (Appendix - XII)

9. That with reference to the Statement made in paragraph 4.14 of the Application, the Respondents categorically deny that the Applicant was transferred with a view to deny him any claim he may have, if and when, the administrative control of the Divisional Accountants in Arunachal Pradesh is transferred from the Comptroller and Auditor General of India to the State Government. It is also denied that the Applicant's transfer to Imphal will cause any irreparable loss or injury or adversely affect his hope for absorption in the cadre of Divisional Accountants. It is submitted that the issue of handing over control of the cadre in Arunachal Pradesh to the State Government is at a preliminary stage and as of now, no time line has been fixed for this purpose. It is also submitted that the scheme of takeover of the cadre of Divisional Accountants by the Government of Arunachal Pradesh as prepared by the Comptroller and Auditor General of India envisages that all Divisional Accountants including deputationists posted in the states of Manipur, Tripura and Arunachal Pradesh will be given equal chance for absorption under the Government of Arunachal Pradesh subject to such terms and

conditions as laid down in the scheme. The Applicants contention, therefore, that he will be placed at a disadvantageous position if he moves to Imphal is entirely groundless.

10. That with reference to the Statement made in paragraph 4.15 of the Application, the Respondents humbly submit that the Applicant had joined in the deputation post being fully aware that he was liable to be transferred to any place in Arunachal Padesh, Manipur and Mizoram. The Applicant's transfer from Arunachal Prades to Manipur is not an exception as sought to be made out by him. Inter-state posting and transfer of Divisional Accountants in the public interest are routinely made by Respondent No.2 and this was one such case.
11. That with reference to the Statement made in paragraph 4.16 of the Application, the Respondents humbly submit that the Applicant is a regular employee of Government of Arunachal Prades and holding a lien in the Government of Arunachal Prades. It is further submitted that the Applicants place of posting has no relation or bearing on the taking over the Divisional Accountants cadre by the Government of Arunachal Prades (if and when it takes place), nor will the Applicant at such time stand to lose out in any way if he is posted in Manipur. It is humbly stated that the Applicant has sought to mislead the Hon'ble Tribunal by filing the Application on specious grounds over what is a routine transfer order issued in the public interest. If the Applicant is allowed to disregard his transfer to Imphal, this will create a precedent and pose serious problem for Respondent No. 2 to effectively administer the cadre of Divisional Accountants in the states of Manipur, Tripura and Arunachal Prades..
12. That with reference to the Statement made in paragraph 4.17 of the Application, the Respondent No.2 humbly submits that he has no comments to offer.

Grounds for relief(s) with legal provisions.

13. That with reference to the statement made in the paragraph 5.1 of the Application, the Respondent No.2 humbly submits that the Applicants transfer to Imphal will not adversely affect his chance of absorption in the cadre of Divisional Accountant as and when the cadre of Divisional Accountants is handed over to the Government of Arunachal Pradesh.
14. That with reference to the statement made in the paragraph 5.2 of the Application, the Respondents humbly submit that the appointment letter appointing the Applicant as Divisional Accountant on deputation clearly stated that he was liable to serve in any place in Arunachal Pradesh Manipur and Tripura..
15. That with reference to the statement made in the paragraph 5.3 and 5.4 of the Application, the Respondents humbly submit that the transfer of the Applicant to Imphal was made in the public interest and not with any malafide intent
16. That with reference to the statement made in the paragraph 5.5 and 5.6 of the Application, the Respondents humbly submits that the Applicant's chance of absorption in the cadre will not be adversely affected in the event that the cadre of Divisional Accountants in Arunachal Pradesh is handed over to the State Government.
17. That with reference to the statement made in the paragraph 5.7,5.8 and 5.9 of the Application, the Respondents humbly submit that better medical facilities are available at Imphal than at Dumperijo in Arunachal Pradesh.
18. That with reference to the statement made in the paragraphs 6,7,8 and 9 of the Application, the Respondents humbly submit that they have no comments to offer.

In view of the facts and circumstances stated above, the Respondents most respectfully and humbly pray that the present Application as filed be dismissed with costs in favour of the Respondents, the interim order dated 31.3.2006 granted in this case be vacated and the order dated 6.2.2006 be allowed to be implemented.

Verification

I, Shri A.K.Das, Dy. Accountant General (Admn) Office of the Accountant General (A&E) Meghalaya, Arunachal Pradesh and Mizoram, Shillong do hereby solemnly declare that the Statements made above in the Written Statement are true to the best of my knowledge, belief and information and I sign the verification on the 3rd May, 2006 at Shillong.


Deponent
उप महालेखाकार (प्रशासन)
D. Deputy Accountant General (ADMN)
महालेखाकार का कार्यालय (ले.व.द.)
Office of the Accountant General (A & E),
मेघालय, हस्तादि, शिलांग
Meghalaya etc., Shillong

(Department of Expenditure)
New Delhi, the 8th September, 1988.

-37-

G.S.R. 749 - In exercise of the powers conferred by clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India, the President hereby makes the following rules to regulate the method of recruitment to the post of Divisional Accountant under the cadre control of the Accounts and Entitlement Offices of the Indian Audit and Accounts Department, namely :-

1. Short title and commencement - (1) These rules may be called the Indian Audit and Accounts Department (Divisional Accountant) Recruitment Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Number of post, classification and scale of pay. - The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit, qualifications, etc. - The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 14 of the said Schedule.

4. Disqualifications - No person, -

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post.

Provided that the Comptroller and Auditor General of India may, if satisfied that such marriage, is permissible under the personal law applicable to such a person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax - Where the Comptroller and Auditor General of India is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving - Nothing in these rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons, in accordance with the orders issued by the Central Government from time to time in this regard as applicable to persons employed in the Indian Audit and Accounts Department.

SCHEDULE

Name of post	No. of post	Classification	Scale of pay	Whether	Whether
Divisional Accountant	1	Group A	Rs. 10,000/-	selective	benefit of
		Group B	Rs. 9,000/-	on post	of added
		Group C	Rs. 8,000/-	or non-	years of
		Group D	Rs. 7,000/-	selective	service ad-
		Group E	Rs. 6,000/-	on post	missible
		Group F	Rs. 5,000/-		under rule
		Group G	Rs. 4,000/-		30 of the
		Group H	Rs. 3,000/-		Central
		Group I	Rs. 2,000/-		Civil Ser-
		Group J	Rs. 1,000/-		vice(Peo-
		Group K	Rs. 500/-		son) Rules
		Group L	Rs. 300/-		1972
		Group M	Rs. 200/-		
		Group N	Rs. 100/-		
		Group O	Rs. 50/-		
		Group P	Rs. 25/-		
		Group Q	Rs. 15/-		
		Group R	Rs. 10/-		
		Group S	Rs. 5/-		
		Group T	Rs. 2.50/-		
		Group U	Rs. 1.25/-		
		Group V	Rs. 0.625/-		
		Group W	Rs. 0.3125/-		
		Group X	Rs. 0.15625/-		
		Group Y	Rs. 0.078125/-		
		Group Z	Rs. 0.0390625/-		
		Group AA	Rs. 0.01953125/-		
		Group BB	Rs. 0.009765625/-		
		Group CC	Rs. 0.0048828125/-		
		Group DD	Rs. 0.00244140625/-		
		Group EE	Rs. 0.001220703125/-		
		Group FF	Rs. 0.0006103515625/-		
		Group GG	Rs. 0.00030517578125/-		
		Group HH	Rs. 0.000152587890625/-		
		Group II	Rs. 0.0000762939453125/-		
		Group JJ	Rs. 0.00003814697265625/-		
		Group KK	Rs. 0.000019073486328125/-		
		Group LL	Rs. 0.0000095367431640625/-		
		Group MM	Rs. 0.00000476837158203125/-		
		Group NN	Rs. 0.000002384185791015625/-		
		Group OO	Rs. 0.0000011920928955078125/-		
		Group PP	Rs. 0.00000059604644775390625/-		
		Group QQ	Rs. 0.000000298023223876953125/-		
		Group RR	Rs. 0.0000001490116119384765625/-		
		Group SS	Rs. 0.00000007450580596923828125/-		
		Group TT	Rs. 0.000000037252902984619140625/-		
		Group UU	Rs. 0.0000000186264514923095703125/-		
		Group VV	Rs. 0.00000000931322574615478515625/-		
		Group WW	Rs. 0.000000004656612873077392578125/-		
		Group XX	Rs. 0.0000000023283064365386962890625/-		
		Group YY	Rs. 0.00000000116415321826934814453125/-		
		Group ZZ	Rs. 0.000000000582076609134674072265625/-		
		Group AA	Rs. 0.00000000029103830456733703613125/-		
		Group BB	Rs. 0.000000000145519152283668518065625/-		
		Group CC	Rs. 0.00000000007275957614183325903125/-		
		Group DD	Rs. 0.000000000036379788070916629515625/-		
		Group EE	Rs. 0.000000000018189894035458312578125/-		
		Group FF	Rs. 0.0000000000090949470177291562890625/-		
		Group GG	Rs. 0.00000000000454747350886457814453125/-		
		Group HH	Rs. 0.000000000002273736754432289022265625/-		
		Group II	Rs. 0.00000000000113686837721614451113125/-		
		Group JJ	Rs. 0.0000000000005684341886080722555625/-		
		Group KK	Rs. 0.00000000000028421709430403612778125/-		
		Group LL	Rs. 0.000000000000142108547152018063890625/-		
		Group MM	Rs. 0.0000000000000710542735760090319453125/-		
		Group NN	Rs. 0.00000000000003552713678800451597265625/-		
		Group OO	Rs. 0.0000000000000177635683940022579865625/-		
		Group PP	Rs. 0.000000000000008881784197001128993125/-		
		Group QQ	Rs. 0.0000000000000044408920985005644965625/-		
		Group RR	Rs. 0.00000000000000222044604925028224815625/-		
		Group SS	Rs. 0.00000000000000111022302462514112408125/-		
		Group TT	Rs. 0.00000000000000055511151231257056040625/-		
		Group UU	Rs. 0.000000000000000277555756156285280203125/-		
		Group VV	Rs. 0.0000000000000001387778780781426401015625/-		
		Group WW	Rs. 0.0000000000000000693889390390713200515625/-		
		Group XX	Rs. 0.000000000000000034694469519535660025625/-		
		Group YY	Rs. 0.0000000000000000173472347597678300128125/-		
		Group ZZ	Rs. 0.00000000000000000867361737988391500640625/-		
		Group AA	Rs. 0.000000000000000004336808689941957503203125/-		
		Group BB	Rs. 0.0000000000000000021684043449709787516015625/-		
		Group CC	Rs. 0.00000000000000000108420217248548937580078125/-		
		Group DD	Rs. 0.000000000000000000542101086242744687900390625/-		
		Group EE	Rs. 0.0000000000000000002710505431213723439501953125/-		
		Group FF	Rs. 0.00000000000000000013552527156068617197509765625/-		
		Group GG	Rs. 0.000000000000000000067762635780343085987548828125/-		
		Group HH	Rs. 0.000000000000000000033881317890171542993724415625/-		
		Group II	Rs. 0.000000000000000000016940658945085772149682203125/-		
		Group JJ	Rs. 0.0000000000000000000084703294725428861012111015625/-		
		Group KK	Rs. 0.0000000000000000000042351647362714430505555515625/-		
		Group LL	Rs. 0.000000000000000000002117582368135721525277775625/-		
		Group MM	Rs. 0.0000000000000000000010587911840678607638888828125/-		
		Group NN	Rs. 0.00000000000000000000052939559203393038194444415625/-		
		Group OO	Rs. 0.00000000000000000000026469779601696519072222203125/-		
		Group PP	Rs. 0.000000000000000000000132348898008482595111111015625/-		
		Group QQ	Rs. 0.0000000000000000000000661744490042412797555555515625/-		
		Group RR	Rs. 0.000000000000000000000033087224502120639877777775625/-		
		Group SS	Rs. 0.0000000000000000000000165436122510603199388888828125/-		
		Group TT	Rs. 0.00000000000000000000000827180612550301996944444415625/-		
		Group UU	Rs. 0.000000000000000000000004135903062750159984722222203125/-		
		Group VV	Rs. 0.0000000000000000000000020679515313750799923611111015625/-		
		Group WW	Rs. 0.00000000000000000000000103397576568753999618555555515625/-		
		Group XX	Rs. 0.0000000000000000000000005169878828437699980927777775625/-		
		Group YY	Rs. 0.000000000000000000000000258493941421884999454333333315625/-		
		Group ZZ	Rs. 0.0000000000000000000000001292469707109429997271666666615625/-		
		Group AA	Rs. 0.0000000000000000000000000646234853555464999888333333315625/-		
		Group BB	Rs. 0.00000000000000000000000003231174267777324999441666666615625/-		
		Group CC	Rs. 0.00000000000000000000000001615587133888662499920833333315625/-		
		Group DD	Rs. 0.00000000000000000000000000807793566944431249991041666666615625/-		
		Group EE	Rs. 0.00000000000000000000000000403896783472215624999020833333315625/-		
		Group FF	Rs. 0.0000000000000000000000000020194839173610781249990104166666615625/-		
		Group GG	Rs. 0.00000000000000000000000000100974195868053951249990020833333315625/-		
		Group HH	Rs. 0.0000000000000000000000000005048709793402697562499900104166666615625/-		
		Group II	Rs. 0.00000000000000000000000000025243548967013487812499900020833333315625/-		
		Group JJ	Rs. 0.0000000000000000000000000001262177448350674390624999000104166666615625/-		
		Group KK	Rs. 0.00000000000000000000000000006310887241753371953124999000020833333315625/-		
		Group LL	Rs. 0.0000000000000000000000000000315544362087668597656249990000104166666615625/-		
		Group MM	Rs. 0.0000000000000000000000000000157772181043834298828124999000020833333315625/-		
		Group NN	Rs. 0.000000000000000000000000000007888609052191714941406249990000104166666615625/-		
		Group OO	Rs. 0.00000000000000000000000000000394430452609565747030312499900000208333333315625/-		
		Group PP	Rs. 0.00000000000000000000000000000197215226304782875015156249990000104166666615625/-		
		Group QQ	Rs. 0.000000000000000000000000000000986076131523914375075781249990000208333333315625/-		
		Group RR	Rs. 0.000000000000000000000000000000493038065761957187537914062499900104166666615625/-		
		Group SS	Rs. 0.0000000000000000000000000000002465190328809785937519578124999000208333333315625/-		
		Group TT	Rs. 0.00000000000000000000000000000012325951644048929687597914062499900104166666615625/-		
		Group UU	Rs. 0.000000000000000000000000000000061629758220244514848989140624999000208333333315625/-		
		Group VV	Rs. 0.00000000000000000000000000000003081487911012225742449489140624999000104166666615625/-		
		Group WW	Rs. 0.00000000000000000000000000000001540743955506112872244744891406249990000208333333315625/-		
		Group XX	Rs. 0.00000000000000000000000000000000770371977753056441122244744891406249990000104166666615625/-		
		Group YY	Rs. 0.00000000000000000000000000000000385185988876528220611122244744891406249990000208333333315625/-		
		Group ZZ	Rs. 0.00000000000000000000000000000000192592994438264110305561122244744891406249990000104166666615625/-		

1.	2.	3.	4.	5.	6.
----	----	----	----	----	----

isional ountant variation dependent on work- load.	2504*(1988) General *Subject to Central Service Group 'C' Non-Gazet- tated Ministerial	Rs.1400-40- 1600-50- 2300-EB-60 -2600	Not applicable	No	
---	--	--	-------------------	----	--

Age limit for direct recruits Educational and other qualifications required for direct recruits. Whether age and educational qualifications prescribed for direct recruits will apply in case of promotedees.

Whether age and educational qualifications required for direct recruits will apply in case of promotedees.

7.	8.	9.	10.
----	----	----	-----

Between 18 and 25 years Note: The crucial date for determining age limit shall be as advertised.	Bachelor's degree of a recognised University. Note: The educational qualifications is relaxable under the orders of the Comptroller and Auditor General of India for specified categories of staff in the Indian Audit and Accounts Department and State Public Works Accounts Clerks.	Not applicable	2 years
---	---	----------------	---------

Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made.
--	---

11.	12.
-----	-----

Direct Recruitment.

As stated in column 11

Note: 1. The direct recruits will be selected on the basis of an entrance examination conducted by an authority/by the Comptroller and Auditor General of India. During the period of probation, they should qualify in the prescribed Departmental Examination.

Note: 2. Vacancies caused by the incumbent being away on transfer on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on transfer on deputation from -

(i) Accountants (Rs.1200-2040) and senior Accountants (Rs.1400-2600) (belonging to the Accounts and Entertainment Office in whose jurisdiction the vacancies have arisen) who have passed the Departmental Examination for Accountants and have 5 years regular service as Accountant/Senior Accountant including 2 years experience in Works section or

12-
30-
147
60/20

1) State Public Works Clerks holding posts equivalent to or comparable with that of Accountant/Senior Accountant on a regular basis for 5 years including 2 years experience in Public Works Accounts.

3. The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/Department of the Central Government shall ordinarily not exceed 3 years.

If a Departmental Promotion Committee exists, what is its composition.

Circumstances in which Union Public Service Commission is to be consulted in making recruitment.

13.

14.

Group "C" Departmental Promotion Committee (for confirmations) consisting of :- Not applicable

(1) Senior Deputy Accountant General/Deputy Accountant General (dealing with the cadre of Divisional Accountants).

(2) Any other Senior Deputy Accountant General or Deputy Accountant General or officer of equivalent rank (from an office other than the one in which confirmations are considered);

(3) An Accounts Officer.

Note: These senior officer amongst (1) and (2) above shall be the Chairman.

F.No.2-12018/13/88-EG-1)

OFFICE OF THE ACCOUNTANT GENERAL (A&E), MEGHALAYA, ARUNACHAL
PRADESH AND MIZORAM :: SHILLONG
-00000000000-

EO No. DA. Cell/

219

DATED

10

81/99

Consequent on his selection for the post Divisional Accountant (on deputation basis) in the pay scale of ~~Rs. 5000/-~~ ~~Rs. 4000/-~~ ~~Rs. 3000/-~~ ~~Rs. 2300/-~~ ~~Rs. 2600/-~~ in the combined cadre of Divisional Accountants under the Administrative control of the office of the Accountant General (A&E), Meghalaya, etc., Shillong, Shri Lani Bhutan Karmakar IAS at present working in the office of the E. Eng. Animi Dvn. Ph.D., A.P. is posted on deputation as Divisional Accountant in the office of the Dumporijo Ph Dvn, Dumporijo Arunachal Pradesh

2. Shri Lani Bhutan Karmakar should join the aforesaid post of Divisional Accountant on deputation within 30 days from the date of issue of this order, failing which his posting on deputation is liable to be cancelled without any further communication and the post may be offered to some other eligible and selected candidate. No representation for a change of the place of posting will be entertained under any circumstances whatsoever.

3. The period of deputation of Shri Lani Bhutan Karmakar will be for a duration of 1(one) year only from the date of joining in the office of the Dumporijo Ph Dvn, Dumporijo, A.P.

4. The pay and deputation(Duty) allowances in respect of Shri Lani Bhutan Karmakar will be governed by the Government of India, Ministry of Finance, Public Grievances and Pension (Department of Personnel and Training) letter No.2/12/87-Estt(Pay. II) dtd. 29.4.1988.

and as amended and modified from time to time. While on deputation, Shri Lami Bhupan Karmakar may elect to draw either the pay in the scale of pay of the deputation post or his basic pay in the parent cadre plus personal pay, if any, plus deputation (duty) allowance. Shri Lami Bhupan Karmakar, on deputation, should exercise option in this regard within a period of 1 (one) month from the date of joining the assignment (i.e. the aforesaid post of deputation). The option once exercised by Shri Lami Bhupan Karmakar shall be treated as final and cannot be altered/changed later under any circumstances whatsoever.

The Dearness Allowance, CCA, Children Education Allowance, T.A., L.T.C., Leave, Pension, etc. will be governed by the Govt of India, Ministry of Finance OM No. F1(6)E-IV(A)/62 dt. 7-12-1962 (incorporated as Annexure to Govt of India decision No. in Appendix 31 of Choudhury's C.S.R. Volume V(13th. Edition) and as amended and modified from time to time.)

Shri Lami Bhupan Karmakar on deputation will be liable to be transferred to any place within the State of Arunachal Pradesh, Manipur and Tripura, in the combined cadre of Divisional Accountants under the administrative control of the Accountant General (A&E) Meghalaya, etc., Shillong.

Prior concurrence of this office must be obtained by the Divisional Officer before Shri Lami Bhupan Karmakar (on deputation) is entrusted additional charges, appointed or transferred to a post/station other than that cited in this Establishment Officer.

Atm99
A A G (A. D. M.)

Senior Accounts Officer,
I.G.D.A. CELL.

De

Memo No. DA. Cell/2-49/95/

3

DATED

24/5/95

9

Copy forwarded for information and necessary action to - 1. The Accountant General (A&E), Manipur, Imphal.

2. The Accountant General (A&E), Tripura, Agartala.

3. The Chief Engineer, Arunachal Pradesh, Itanagar.

He is requested to release Shri Lani Bhushan Kalma Kar immediately with the direction to report for duty to his place of posting on deputation under intimation to this office.

4. The Executive Engineer, Arunachal Pradesh, Itanagar.

He is requested to release immediately Shri Lani Bhushan Kalma Kar with the direction to report for duty to his place of posting on deputation under intimation to this office.

5. The Executive Engineer, Arunachal Pradesh, Itanagar.

He is requested to intimate the date of joining of Shri Lani Bhushan Kalma Kar.

6. Shri Lani Bhushan Kalma Kar
O/o the E. Engg. Arunachal Pradesh, Itanagar.

E.O. File.

S.C. File.

P.C. File.

File of the deputationist. Lani Bhushan Kalma Kar



Senior Accounts Officer,
I/c D.A. CELL.

Gram : ARUNACCOUNTS

Phone : 244281 (O)

222637 (R)

GOVERNMENT OF ARUNACHAL PRADESH

Director of Accounts & Treasuries
Naharlagun-791 110

No. DA/TRY/15/99

Dated, the 17th Jan 2000

To,

The Accountant General (A&E),
Arunachal Pradesh, Meghalaya, etc.,
Shillong - 793 001.Sub : Transfer of the Cadre of Divisional Accounts
Officer / Divisional Accountants to the State of
Arunachal Pradesh - regarding.

Sir,

It was under active consideration of the Government of Arunachal Pradesh for sometime to take over the Cadre of the Divisional Accounts Officers / Divisional Accountants of the Works Department totaling 91 (Ninety one) posts from the existing combined cadre being controlled by you. Now, the Government of Arunachal Pradesh has decided to take over the above said Cadre under the direct control of the Director of Accounts & Treasuries, Govt. of Arunachal Pradesh, with immediate effect.

Persons those who are borne on regular basis in the cadre and opt to come over to Arunachal Pradesh state Cadre, will be taken over on status quo subject to acceptance of the state Government. It is also decided that henceforth no fresh Divisional Accountant(s) on deputation will be entertained. Cases of those who are presently on deputation and serving in this state shall be examined at this end for their future continuation even after completion of the existing term of deputation.

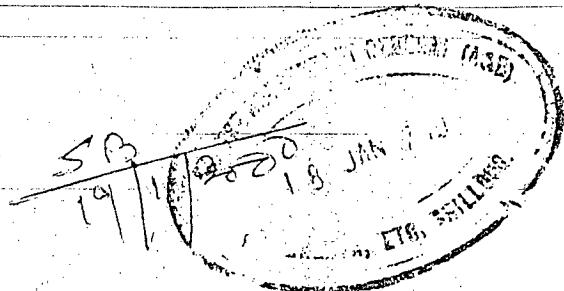
It is, therefore, requested to take necessary action at your level so that the process of the transfer of the Cadre along with the willing personnel can be completed immediately.

Formal notification is under issue and shall be communicated in due course.

Yours faithfully,

12/1/2000
(Y. Megu)

Director of Accounts & Treasuries
& Ex-Officio Dy. Secy. (Finance),
Govt. of Arunachal Pradesh,
NAHARLAGUN.





8/1/05

8/1/05

17 Appendix IV - 46 for Text
65 663
X
OFFICE OF THE ACCOUNTANT GENERAL (A&E),
MEGHALAYA, ARUNACHAL PRADESH & MIZORAM
SHILLONG-793 001
Phone : 0364-2223191 (O) Fax : 0364-2223103

E. R. Solomon
Accountant General

D.O.No.DA Cell/1-8/Court Case/2000-2001/1909

Dated: March 24, 2005

28 MAR 2005

Dear Otem,

Please recall our telecon a little while ago regarding the Divisional Accountants on deputation to my office and presently posted in the State of Arunachal Pradesh. With reference to your D.O.letter No.DA/TRY/27/2002 dated 10.3.2005, I am to inform you that my Headquarters has confirmed that we could consider extension of the deputation of the present 31 Divisional Accountants presently on deputation to our department. As you are aware the Division Bench of the Gauhati High Court Itanagar Bench had issued an order dated 10.2.2005¹ regarding the 12 Divisional Accountants on deputation who are to be reverted back to their parent departments in the Government of Arunachal Pradesh. This order is not being implemented presently and the remaining 19 Divisional Accountants who have cases pending in the Court/CAT may be immediately requested to withdraw all their court cases and once this is done, their continuity on deputation will be considered.

On the question of absorption of these 31 deputationists, my HQs. has informed that the modalities will be worked out and this may be conveyed to these deputationists.

I request for your urgent action to ensure that the pending court cases of the 19 Divisional Accountants on deputation are withdrawn to facilitate their continued deputation/absorption.

Shri. Otem.Dai,
Financial Commissioner to the Govt. of Arunachal Pradesh,
Itanagar.

Shri. E. R. Solomon,
Accountant General
Office of the Accountant General
Meghalaya, Arunachal Pradesh & Mizoram
Shillong-793 001
Phone : 0364-2223191 (O) Fax : 0364-2223103

Rey and
Yours sincerely

Shri. E. R. Solomon,
Accountant General
Meghalaya, Arunachal Pradesh & Mizoram
Shillong-793 001
Phone : 0364-2223191 (O) Fax : 0364-2223103

28/3/05

Speed Post

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ::
MEGHALAYA, ARUNACHAL PRADESH :: SHILLONG :: 793001.

No.DA Cell/1-8/Court Cases/2000-2001/147.

Dated:-20-5-2005.

245.2ms.

To

Shri C.M.Mongmaw,
Director of Accounts & Treasuries,
Govt. of Arunachal Pradesh,
Naharlagun.

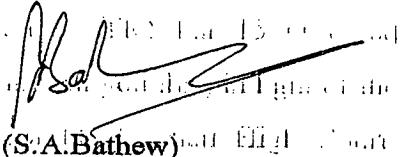
Sub:- *Divisional Accountants on deputation- regarding.*

Sir,

In inviting a reference to your letter No.DA /TRY/Part/15/99 dated April,2005 on the subject mentioned above, I am to inform you that, in light of the order dated 1.2.2005 passed in 12 cases by the Hon'ble Gauhati High Court, Itanagar Permanent Bench, Naharlagun, repatriation orders in respect of 12 (Twelve) Divisional Accountants on deputation to their parent department are being issued.

Further, in respect of another 19 (Nineteen) cases of a similar nature regarding Divisional Accountants which are pending in the Hon'ble High Court/CAT, Guwahati, the Standing Counsels have been requested to take necessary steps to transfer these cases to the Hon'ble High Court, Itanagar Permanent Bench, for speedy disposal.

Yours faithfully,


(S.A.Bathew) High Court

Sr.Dy Accountant General (Admn)

Re: Deputation of 12 Divisional Accountants to their parent department
order dated 1.2.2005 passed in
Hon'ble Permanent Bench, Itanagar
19 (Nineteen) Divisional Accountants
pending referred

Further, in respect of another 19 (Nineteen) cases of a similar nature regarding Divisional Accountants

pending referred to the Hon'ble High Court

DA cell/Part/6 dt 8.5.05
Dy. Ofm/A&E/10

46
95
463

GOVT. OF ARUNACHAL PRADESH
DIRECTORATE OF ACCOUNTS AND TREASURIES
NAHARLAGUN

DA/TRY/Part/15/99

Dated Naharlagun the _____ April'05.

To

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

Sub:- Divisional Accountants on deputation – regarding.

Ref:- Your No. DA Cell/1-8/Court Case/2000-01/1909 dated
 March 24,05. *Directorate of Accounts and Treasuries*

Sir,

While inviting a reference to your letter no. & dated quoted above, I am directed to request you to furnish detail list of 12 Divisional Accountants on deputation in whose cases Divisional Bench of Guwahati High Court has ordered for repatriation / reversion back to their parent department. Similar information also be furnished in respect of 19 Divisional Accountants whose cases are pending in the Court/ CAT in order to persuade the officials to withdraw the cases.

*Arunachal Pradesh
Shillong*

An early response is solicited.

Yours

Divisional Accountant, *Guwahati*
Yours faithfully,

Yours

Yours No. DA Cell/1-8/Court Case/2000-01/1909
March 24,05.

(C.M. Mongmaw)

Director of Accounts & Treasuries,
 Govt. of Arunachal Pradesh,
 Naharlagun

While inviting a reference to your letter no. & dated quoted above, I am directed to request you to furnish detail list of 12 Divisional Accountants on deputation in whose cases Divisional Bench of Guwahati High Court has ordered for repatriation / reversion back to their parent department. Similar information also be furnished in respect of 19 Divisional Accountants whose cases are pending in the Court/ CAT in order to persuade the officials to withdraw the cases.

For early response

ADDA



राज्यमेव जयते

Dy. Siv. —
S/o/o Dy. Commr. (23231440, 23231761)
Name: Mahish Kumar
Asstt. C&A.G.(N)

M, DA cell/c+A.G/20 at 13.7.05

20
n/DAE/150, da. 13/7/05
D.O. No. 425 N.G.E.(App)/10-2005
भारत के नियन्त्रक-महालखापराक्षक का कार्यालय
13/7/05
10, बहादुरशाह जफर मार्ग,
नई दिल्ली - 110 002
OFFICE OF THE
COMPTROLLER & AUDITOR GENERAL
OF INDIA
10, BAHADUR SHAH ZAFAR MARG,
New Delhi - 110 002

दिनांक / DATE 6.7.2005

Dear Sir,

Kindly refer to your D.O. letter No. D.A. Cell / 1-8 / Court Case/ 2000- 2001 / 415 dated 13.06.2005 regarding absorption of 31 employees of the state Govt. of Arunachal Pradesh, working as Divisional Accountants on deputation, in the Divisional Accountant Cadre. I would like to mention here that the above issue has been examined in this office. As the Recruitment Rules for the post of Divisional Accountant do not provide for such absorption, it has not been found possible to accede to the request of the State Government of Arunachal Pradesh to absorb these personnel in the Divisional Accountant cadre.

With regards,

Yours sincerely,

(MANISH KUMAR)

Shri A.W.K.Langstieh
A.G.(A&E)

Meghalaya, India
Shillong, 793001

employee of the state
Accountant Cadre
due to deputation
As the Recruitment
Rules do not provide
for such absorption
the request of the Govt.
of Arunachal Pradesh
to absorb these personnel in the Divisional

Office letter D.A. Cell / 1-8 / Court
Case/ 2000- 2001 / 415 regarding absorption of 31
employees of the state Govt. of Arunachal Pradesh, working as Divisional
Accountant Cadre. I would like to mention here that the above issue
has been examined in this office. As the Recruitment Rules for the post of
Divisional Accountant do not provide for such absorption, it has not been
found possible to accede to the request of the State Government of Arunachal Pradesh to absorb these personnel in the Divisional Accountant Cadre.

Shri A.W.K.Langstieh
A.G.(A&E)

दू० भा० / Phone: 23231440, 23231761
टेलेक्स / Telex: 031-65981, 031-65847

तार / Telegram : ARGEL NEW DELHI

फैक्स / Fax : 91-11-23235446, 91-11-23234014

Registered Post

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

No.DA Cell/ 1-1/2000-2001/ 1509

Dated:- 25.11.2005

To

Shri C.M.Mongmaw,
Director of Accounts and Treasuries,
Government of Arunachal Pradesh,
Naharlagun - 791 110.
Arunachal Pradesh.

Sub:- Scheme for transfer of cadre of DAs/DAOs from the Administrative control of A.G.(A&E) Meghalaya, etc, Shillong to the Govt. of Arunachal Pradesh.

Sir,

In inviting a reference to this office letter No. DA Cell/1-8/Court case/Vol.II/1045 dated 23.8.2005 on the subject cited above, I am to state that the draft scheme framed by the C&AG's office regarding proposed transfer of DAs cadre has been received by this office. A Copy of the draft scheme is forwarded herewith for acceptance of the terms and conditions embodied in the scheme by Arunachal Pradesh Government.

Comments/suggestion, if any, of the government may be communicated to this office for onward transmission to the O/o the C&AG of India for consideration/approval. Also the action taken by the State Government on this office letter No. DA Cell/1-1/2000-2001/1390 dated 31.10.2005 (Copy enclosed) may also please be communicated at an early date.

Enclo:- As stated above.

Yours faithfully,



(A.K.Das)

Dy. Accountant General (Admn)



राष्ट्रमय जयते

Dy D.A.G.(A) / 917 dt 31/8/05
- 22 -
R. Ambalavanan
Asstt. C.&A.G.(N)

D.O. No. 618-N.G.E.(App)/66-2005 69

भारत के नियन्त्रक-महालेखापरीक्षक का कार्यालय

10, बहादुरशाह जफर मार्ग,

नई दिल्ली - 110 002

OFFICE OF THE

COMPTROLLER & AUDITOR GENERAL
OF INDIA

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

दिनांक / DATE 31/08/2005

49-
Dear Sir,

Kindly refer to your D.O. letter No. D.A. Cell / 1-8 / Court Case / 2000-2001 / Vol.II / 1059 dated 31.08.2005 regarding transfer of Divisional accountants cadre to the state Govt. of Arunachal Pradesh. After going through the proposed terms and conditions for taking over the cadre by the State Government and your comments thereon, I am to enclose a copy of the draft scheme prepared by this office for transfer of the cadre to the State Government. The State Govt. may be insisted to agree upon these terms and conditions. It may also be brought in to the notice of the State Govt. that the cadre can not be taken over with unilateral decision, since concurrence of the C.&A.G in this regard is necessary. Moreover, the recognized Association of the Divisional Accountants / Divisional Accounts Officers may also be taken in to confidence for the proposed transfer of the cadre. Further development in this regard may be intimated to this office.

With regards,

Yours sincerely,

(R. Ambalavanan)

Shri A.W.K.Langstieh
A.G.(A&E)
Meghalaya,
Shillong.

दू. भा० / Phone : 23231440, 23231761

टेलेक्स / Telex : 031-65981, 031-65847

तार / Telegram : ARGEL NEW DELHI

फैक्स / Fax : 91-11-23235446, 91-11-23234014

Draft Scheme for the transfer of the cadre of Divisional Accountants / Divisional Accounts Officers from the administrative control of A.G.(A&E) Meghalaya, Shillong to the Government of Arunachal Pradesh.

The Government of Arunachal Pradesh has decided to take over the existing cadre of Divisional Accountants / Divisional Accounts Officers from the administrative control of the Accountant General (A&E) Meghalaya, Shillong to its administrative control on the following terms and conditions-

1. Administrative Control:

The administrative control of the Divisional Accountants / Divisional Accounts officers, who are presently governed under the Central Civil Service Rules and are working under the administrative control of Accountant General (A&E) Meghalaya, Shillong shall on their transfer to services of Govt. of Arunachal Pradesh, vest with the Director of Accounts and Treasuries, Govt. of Arunachal Pradesh under Department of Finance who would exercise all the administrative powers like recruitment / promotion / leave / transfers & postings / disciplinary matters etc.

2. Status and composition of the cadre on transfer:

(a) The existing Divisional Accountants / Divisional Accounts Officers under the administrative control of Accountant General (A&E) Meghalaya, Shillong have the following cadre composition :

Sl. No.	Name of the Post / Grade	Scale of Pay (Rs)	Percentage composition of cadre strength
1.	Divisional Accountants (ordinary Grade)	5500-175-9000	35%
2.	Divisional Accounts Officers (Grade-II)	6500-200- 10500	25%
3.	Divisional Accounts Officer(Grade-I)	7450-225-11500	25%
4.	Sr. Divisional Accounts Officers	7500-250-12000	15%

(b) After taking over to the service of Govt. of Arunachal Pradesh, the existing regular Divisional Accountants / Divisional Accounts Officers would continue to constitute a separate cadre with the existing cadre structure and designations.

3. Option for transfer to service of Govt. of Arunachal Pradesh

(a) After publication of the order for the proposed transfer of cadre in the official Gazette of the State Government, Accountant General (A&E) Meghalaya, Shillong shall call upon all the regular Divisional Accountants / Divisional Accounts Officers of the combined cadre, who find place, on the date of Gazette Notification, in the Gradation list maintained by his office to exercise their option in the prescribed proforma appended herewith through the respective executive engineers within a period of two month for going over to the service of the State Govt. of Arunachal Pradesh or for their continuance in the Central Government Service under the administrative control of A.G.(A&E) Meghalaya. The option so exercised shall be final and in no case whatsoever it shall be altered. Those who do not exercise such option within the specified period for whatever reasons shall be deemed to have made an option to remain in the Central Govt. Service under the Administrative control of A.G.(A&E) Meghalaya. The pension and other retirement liabilities of those who opt for the State Service shall be borne by the Govt. of Arunachal Pradesh.

(b) Those Divisional Accountants / Divisional Accounts Officers who opt for their continuance in the Central Government Service under the administrative control of the A.G. (A&E) Meghalaya will be posted in Maipur / Tripura.

I not recd.

(c) The employees of office of the Accountant General (A&E) Meghalaya, Shillong and the employees of State Government who are on deputation to the posts of Divisional Accountants / Divisional Accounts Officers shall not be allowed to exercise any option to go over to the state Govt. Such employees, if required by the state Govt., may be allowed to serve on the standard terms and conditions of deputation duly approved by the State Govt.

4. Regulation of Conditions of service

Subsequent to transfer to the State Govt., the conditions of service of the existing Divisional Accountants / Divisional Accounts Officers shall be regulated as follows:

(I) Scales of Pay- Existing Divisional Accountants / Divisional Accounts Officers shall continue to be placed in their existing pay scales. However, in the event of any revision of pay scales of existing Divisional Accountants / Divisional Accounts Officers by the Govt. of India with effect from a date prior to the date of taking over the cadre control, the existing incumbents shall be entitled to such revised scales of pay from the said date. Any subsequent revision of pay scale by the State Govt. shall be applicable to them.

(II) Age of Superannuation- Since the age of Superannuation in respect of existing Divisional Accountants / Divisional Accounts Officers working under the administrative control of A.G. (A&E) Meghalaya is 60 years as applicable to the Central Govt. employees, they shall be, as a special dispensation, allowed a general extension of service without any discrimination for two years over the existing age of superannuation of 58 years applicable to the employees of state Govt. of Arunachal Pradesh, subject to the condition that the retirement age of the Divisional Accountants / Divisional Accounts Officers transferred to the State Service will be as is ordered by the Central Govt. from time to time for their employees.

(III) Seniority under State Govt.- The inter-se seniority of Divisional Accountants / Divisional Accounts Officers taken over to the cadre of State Govt. shall continue to be the same as existing on the date of taking over the cadre by the State Govt.

(IV) Recruitment- The recruitment to the post of Divisional Accountant after taking over the cadre by the State Govt. would be as per policy decided by the govt. of Arunachal Pradesh.

(V) Promotions- After taking over the cadre, the State Govt. shall formulate suitable rules under the Arunachal Pradesh Service Rules to provide adequate promotional avenues for the cadre which shall, however, not be less advantageous than what is available under the administrative control of A.G.(A&E) Meghalaya. Till such rules are framed, the promotions shall be regulated by the extant rules / instructions applicable prior to the date of taking over the cadre.

(VI) Training / Departmental Examination - State Govt. shall, with a view to provide adequate qualified manpower to the taken over cadre of Divisional Accountants / Divisional Accounts Officers, evolve a system of theoretical / practical training in Public Works Accounting system and functioning of Public Works Divisions and a suitable departmental examination comparable to the existing training and examination to ensure that the existing quality and regularity of rendition of accounts to the A.G.(A&E) Meghalaya is maintained.

(VII) Transfers and postings- The transfer and postings of Divisional Accountants / Divisional Accounts Officers shall be made by the State Government. No employee from the state Govt. shall be posted to the regular charge of any division unless he / she has completed the special training required in Public Works Accounting system as well as the functioning of the Public Works Divisions and has subsequently qualified in an appropriate departmental examination to be introduced by the State Govt. of Arunachal Pradesh as referred to in clause 4(VI). Notwithstanding this provision, the Director of accounts and Treasuries, Arunachal Pradesh Govt. shall have the powers to appoint any employee of the State Govt. as Divisional Accountant / Divisional Accounts Officers on a temporary and ad-hoc basis for a specified period, till the post is filled by regular qualified personnel.

(VIII) Disciplinary Authority- Subsequent to the transfer of the cadre to the state Govt. the Director of Accounts and Treasuries, Arunachal Pradesh Govt. shall be the disciplinary authority in respect of Divisional Accountants / Divisional Accounts Officers.

(IX) Reporting and Reviewing Officers- The Executive Engineers of the various divisions shall continue to be the reporting officer for the purpose of writing of Annual Confidential Reports in respect of Divisional Accountants / Divisional Accounts Officers working under them. The FA/CAO of the concerned department shall be the Reviewing Officer and Director of Accounts and Treasuries, Arunachal Pradesh shall function as the accepting authority.

5. Transitional Provisions- Till such time the State Govt. frames appropriate rules concerning conditions of service of the taken over cadre, the incumbents shall be governed by the rules hitherto in force.

(e) **Power to relax-** Where the Govt. of Arunachal Pradesh is of the opinion that it is necessary or expedient to do so, it shall, after consultation with the Comptroller & Auditor General of India, by an order for reasons to be recorded in writing, relax any of the provisions of these terms and conditions with respect to any class or category of persons.

Registered Post

**OFFICE OF THE ACCOUNTANT GENERAL (A&E)
MEGHALAYA, ARUNACHAL PRADESH, MIZORAM,
SHILLONG :: 793001.**

No.DA Cell/ 1-1/2000-2001/ 28

Dated:- 28.4.2006

To

Shri C.M.Mongmaw,
Director of Accounts and Treasuries,
Government of Arunachal Pradesh,
Naharlagun - 791 110.
Arunachal Pradesh.

Sub:- The Draft scheme for transfer of cadre of DAs/DAOs from the Administrative control of A.G.(A&E) Meghalaya, etc, Shillong to the Govt. of Arunachal Pradesh.— Comments/suggestion thereof.

Sir,

I am to state that a draft scheme framed by the C&AG's office (based on the scheme for taking over the Administrative control of the cadre of Sr.DAOs/DAOs/DAs prepared by Govt. of Arunachal Pradesh) regarding proposed transfer of DAs cadre was forwarded to you for acceptance of the terms and conditions with the request to offer comments/suggestion ,if any, of the Govt. of Arunachal Pradesh vide this office letter No DA Cell/ 1-1/2000-2001/ 1509 dated 25.11.2005 .However, till date, no communications/confirmations has been received from Govt. of Arunachal Pradesh.

In this context , you are requested to kindly communicate the views of the Govt. of Arunachal Pradesh early for further necessary action from this end.

Enclo:- As stated above.

Yours faithfully,

AKD

(A.K.Das)
Dy.Accountant General (Admn)

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIRECTORATE OF ACCOUNTS & TREASURIES
NAHARLAGUN - 791110

NO. DA/TRY-27/2000/1060-63

Appendix X

Dated 20 July 2005.

To,

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

Sub :-

Submission of scheme for taking over the administrative control of the
cadres of Sr. DAO/DAO Grade - I DAO, Grade - II and Divisional
Accountant - thereof.

Sir,

I am directed to submit herewith the proposed scheme for taking over the
administrative control of cadre of Divisional Accountants comprising Sr. DAOs / DAOs
Grade - I & II and Divisional Accountants by the Government of Arunachal Pradesh presently
vested under your kind control.

I am further directed to state that the State cabinet had since approved the
proposal to take over the cadre and the Departments of Law & Judicial, Personnel &
Administrative Reforms of the state have duly vetted the scheme after thorough examination.

In view of the progress as stated above, I am directed to request you to convey
your approval facilitating smooth taking over of the cadre of DAs / DAOs / DAOs Grade - I & II
from your kind control.

Kindly acknowledge the receipt of the scheme enclosed in quadruplicate.

Enclo : As stated above.

Yours faithfully

(C.M. Mongmaw),
Director of Accounts & Treasuries,
Govt. of Arunachal Pradesh,
Naharlagun - 791110 (A.P)

Memo. NO. DA/TRY-27/2000

Dated 20 July'2005.

Copy to :-

1. P.S. to Principal Secretary (Finance) to the Govt. of Arunachal Pradesh, Itanagar
for information.
2. The Secretary, Law & Judicial to the Govt. of Arunachal Pradesh for information
please.
3. The Secretary, Personnel & Administrative Reforms, to the Govt. of Arunachal
Pradesh, Itanagar for information please.

(C.M. Mongmaw),
Director of Accounts & Treasuries,
Govt. of Arunachal Pradesh,
Naharlagun - 791110 (A.P)

28
-55-

The Scheme for taking over of the Administrative Control of the Cadres of Sr. DAO/DAO Grade-I/DAO Grade-II and DA of Working Divisions belonging to PHE/RWD/IFCD/PWD/Power Department of Arunachal Pradesh from the control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc. Shillong.

The posts of Divisional Accountants were created by the State Government in the Public Works Department / Rural Works Department / Public Health Engineering Department / Irrigation & Flood Control & Power Department, but the administrative control i.e. appointment, transfer, posting & disciplinary control, etc. vested with the Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong. The Divisional Accountants comes under the immediate control of the Executive Engineer of the Divisions. They assist the Executive Engineers while rendering accounts to the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong. Their pay and allowances and other service condition are at present governed by the Central Government rules in force, but they are paid from the state Government's exchequer. The question of taking over the cadres of the Divisional Accountants from the administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong had been under active consideration of the state Government for quite sometimes past in order to have proper control over expenditure and other accounts matters of the works Divisions, since it has become essential for the state Government to have better control on the heavy expenditure incurred in various engineering divisions of the state. Now, the Government of Arunachal Pradesh has decided in pursuance of cabinet decision of the State for taking over of the administrative control of the cadres of Sr. DAO/DAO/DA from the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong.

To take over the cadre of Sr. Divisional Accounts Officers/Divisional Accounts Officers/Divisional Accountants from the administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong, shall be subject to the following terms and conditions.

1. **Absorption of DA/DAO and Sr. DAO (Regular) borne on the cadre of the A.G to State Cadre.**
 - 1.1 Sr. Divisional Accounts Officers / Divisional Accounts Officers / Divisional Accountants (Regular) borne on the cadre of the Accountant General who are presently working in the State of Arunachal Pradesh may opt to serve in the State cadre on status quo. The willing Sr. Divisional Accounts Officers/Divisional Accounts Officers /Divisional Accountants (Regular) working in the State may submit their options to the ***Secretary to the Government of Arunachal Pradesh, Department of Finance, Arunachal Pradesh, Itanagar*** through the concerned Executive Engineers within 2 (Two) months from the date of issue of the 'Notification' under intimation to their parent department.
 - 1.2 The Sr. Divisional Accounts Officers / Divisional Accounts Officers /Divisional Accountants (Regular) who do not opt for state service condition, but willing to continue in the post shall be allowed to serve on standard terms and conditions of deputation duly approved by the state Government for period up to 3 (Three) years which may be extended up to 2 (Two) years in the interest of Public Service. They shall be reverted to their parent Department immediately on expiry of their respective deputation period.
 - 1.3 The Sr. Divisional Accounts Officers/Divisional Accounts Officers /Divisional Accountants (Regular) who opt to serve in Arunachal Pradesh shall continue to be governed by the Central Rules for pension and other retirement benefits as applicable from time to time.
 - 1.4 The inter-se seniority of the Sr. Divisional Accounts Officers / Divisional Accounts Officers/Divisional accountants (Regular) who opt for the State Service shall be fixed in the state cadre basing on their inter-se seniority as Sr. Divisional Accounts Officers / Divisional Accounts Officers Grade-I / Divisional Accounts Officer Grade-II/Divisional Accountants on the date of taking over of the cadre.

29
- 56 -
X

Sr. Divisional Accounts Officers/Divisional Accounts Officers Grade-I/Divisional Accounts Grade-II/Divisional Accountants (Regular) are now drawing the following scale of pay as per central pay pattern.

A) Divisional Accountant	Rs.5000-150-8000/-
B) Divisional Accounts Officer (Grade-II)	Rs.5500-175-9000/-
C) Divisional Accounts Officer (Grade-I)	Rs.6500-200-10,500/-
D) Divisional Accounts Officer (Sr. Grade)	Rs. 7500-250-12000/-

The cadre of Sr. Divisional Accounts Officers/ Divisional Accounts Officers Grade-I & II/ Divisional Accounts who are working in Arunachal Pradesh on regular basis shall be allowed to continue for drawal of their pay and allowances in the existing scales of pay even after taking over by the state Govt.

1.6 The Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong shall obtain the option in triplicate in the prescribed form as annexed herewith from the Sr. DAO/DAO Grade-I DAO Grade-II/DA borne on his cadre and serving in the state of Arunachal Pradesh on the date of taking over the cadre by the state Government through the Executive Engineer of the Divisions and furnish one copy of each option exercised by the Sr. Divisional Accounts Officers/Divisional Accounts Officers Grade-I Divisional Accounts officers Grade-II/Divisional Accountants to the *Secretary to Government of Arunachal Pradesh, Department of Finance*, on receipt of the options.

2. **Divisional Accountants on Deputation**

2.1 Divisional Accountants who are working in the works divisions in Arunachal Pradesh on deputation shall be allowed to continue serving in the post of Divisional Accountant on deputation till they complete their normal terms of deputation.

2.2 The Divisional Accountants (on deputation) those who have completed the existing term of deputation will be continued as Emergency Divisional Accountant for the time being as working arrangement. But for their absorption as regular Divisional Accountant they shall have to qualify themselves in the Divisional test examination within two years from the date of taking over the cadre from the administrative control of the Accountant General (A&E), Meghalaya, Arunachal Pradesh, etc., Shillong, for which they will be given three chances to qualify in the Divisional test examination. If any body fails to qualify in the Divisional test examination, shall be reverted to their parent department as and when qualified hand become available.

3. **Administrative Control**

The administrative control of Sr. Divisional Accounts Officers/Divisional Accounts Officers/Divisional Accountants shall be vested with the *Finance Department, Government of Arunachal Pradesh, Itanagar* and will be exercised by the *Secretary, to the Government of Arunachal Pradesh, Department of Finance*.

4. **Recruitment**

The state government through Arunachal Pradesh Public Service Commission shall fill up all the vacancies of Divisional Accountants of works divisions.

5. **Method of Recruitment:**

5.1 The Arunachal Pradesh Public Service Commission shall make recruitment to the Cadre of Divisional Accountant by selection on merit adjudged from the following sources through written and competitive and qualifying test called the Initial Recruitment Examination for Divisional Accountant (Annexure-I)

5.2

Age Limit for "Direct Recruitment":

Candidate should not be less than 18 years and more than 28 years of age, provided that the initial age limit may be relaxed up to 33 (thirty three) years in case of APST candidates in accordance with the order of the state government from time to time. In case of existing / working Divisional Accountants, upper age limit is relaxable upto 52 years.

5.3

Education Qualification:

Minimum Educational qualifications for direct recruit shall be a University Degree / graduate with any one of the subjects namely Mathematics, Statistics, Commerce, Economics, from a recognized University.

Note:- Age Limit and Education as prescribed at serial 5.2 & 5.3 above shall not be applicable in case of eligible departmental candidate(s).

5.4

Appointing Authority:-

The Secretary to the Government of Arunachal Pradesh Department of Finance shall be the appointing authority subject to the approval of the Government.

5.5

Probation and Training:-

Candidates recruited through the Initial Recruitment Examination will be on probation for a period of 2 (Two) years before their absorption in the cadre of Divisional Accountant. During this period he/she shall be given training for a period of 6 (six) months in the Administrative Training Institute and thereafter intensive practical training in all aspects of public works accounts for a further period of 6 (Six) months.

After this training , the candidates are required to pass the Divisional test, which will be conducted by Director of Accounts and Treasuries. Till such time as the trainees, they are posted as Divisional Accountant on probation. After passing the Divisional Test Examination supernumerary posts equal to the number of such trainees will be deemed to be created for their absorption on completion of probation period.

6.

Transfer & Posting:-

Divisional Accountants / Divisional Accounts Officers are to serve anywhere within Arunachal Pradesh and are liable for transfer to the establishments of Chief Engineers /Director of Accounts & Treasuries whereon such posts exists.

7.

Transfer of record:-

The Accountant General (A&E), Meghalaya, Arunachal Pradesh etc. Shillong shall take necessary action to transfer the relevant records to the Secretary to the Government of Arunachal Pradesh Department of Finance within 3 (Three) months from the date of issue of the notification.

Sd/-

(Tabom Bam),
Principal Secretary (Finance)
Govt. of Arunachal Pradesh
Itanagar.

Speed Post

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

E.O.No. DA Cell/ 94

Dated :- 6.2.2006.

Shri Lani Bhusan Karmakar, Divisional Accountant on deputation in the office of the Executive Engineer, Dumperijo PWD, Arunahcal Pradesh is hereby transferred and posted to the office of the Executive Engineer, Water Supply & Maintenance Division, PHE, Imphal with immediate effect.

Authority:- AG's order dated 6.2.2006 at page 22N in the file no. DA Cell/PC/LKB/

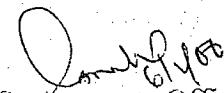
Sd/-
Dy. Accountant General (Admn)

Memo No. DA Cell/PC/LKB/ 1747 - 1754

Dated:-6.2.2006

Copy forwarded to for information and necessary action to :-

1. The Chief Engineer, PWD, Govt. of Arunachal Pradesh, Itanagar.
2. The Sr.Dy.Accountant General (A&E) ,Manipur, Imphal.
3. The Director of Accounts & Treasuries, Govt. of Arunachal Pradesh. Naharlagun., Arunachal Pradesh.
4. The Executive Engineer, Dumperijo P.W.D. Dumperijo,- 791122 Arunachal Pradesh. He is requested to release Shri L.B.Karmakr, Divisional Accountant on deputation by 11th February 2006 positively with the direction to join in the new place of posting. The date of his release from the division may be intimated telegraphically.
5. The Executive Engineer, Water Supply & Maintenance Division, PHE, Imphal. He is requested to intimate the date of joining of Shri L.B.Karkamakar.
6. Shri Lani Bhusan Karmakar, D.A. on deputation O/o the Executive Engineer, Dumperijo P.W.D. Dumperijo- 791122, Arunachal Pradesh.
7. P.C. of Shri Karmakar.
8. E.O. file.


Sr. Accounts Officer,
I/c DA cell.

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA
ARUNACHAL PRADESH, MIZORAM :: SHILLONG :: 793001

E.O. No. D.A. Cell/103

Dated:- 23-2-2002

Shri Utpal Mahanta, Divisional Accountants on deputation in the office of the Executive Engineer, P.H.E Daporijo, Arunachal Pradesh is hereby transferred and posted in the O/o the Executive Engineer, Daporijo, PWD, Division, Daporijo, Arunachal Pradesh vice Shri L.B.Karmakar transferred to Water Supply & Maintenance Division, PHE, Imphal.

2. Shri Hage Tamin, Divisional Accountant on deputation in the office of the Executive Engineer, Daporijo Electrical Division, Daporijo is entrusted with the additional charge of the Divisional Accountant in the O/o the Executive Engineer, Daporijo PHE Daporijo vice Shri U. Mahanta, Divisional Accountant on deputation transferred.

Authority - DAG(A)'s order dated 15.2.2006 at para 25 N of the file No. DA Cell/PC/LBK.

Sd/-

Dy. Accountant General (A)

Memo No. DA Cell/PC/LBK/

Dated:-

Copy forwarded for information and necessary action to :-

1. The Chief Engineer, PWD, Govt. of Arunachal Pradesh, Itanagar.
2. The Director of Accounts & Treasuries, Govt. of Arunachal Pradesh, Naharlagun.
3. The Executive Engineer, PHE, Daporijo, Arunachal Pradesh. He is requested to release Shri Utpal Mahanta, DA on deputation immediately with a direction to join his new place of posting at Daporijo, PWD Division, Daporijo, Arunachal Pradesh. The date of release of Shri Mahanta from the division may be intimated telegraphically to this office.
4. The Executive Engineer, PWD

4. The Executive Engineer
PWD Division, Dumperijo, Arunachal Pradesh. The date of joining of Shri U. Mahanta, DA may kindly be intimated telegraphically to this office.
5. Shri Utpal Mahanta, DA on deputation O/o the Executive Engineer, Daporijo PHE, Daporijo, Arunachal Pradesh.
6. Shri Hage Tamin, DA on deputation O/o the Executive Engineer, Daporijo, Arunachal Pradesh.
7. P.C. of Shri U. Mahanta, DA on deputation.
8. P.C. of Shri H. Tamin, DA on deputation.
9. E.O. Book.
10. The Chief Engineer, Power, Govt. of Arunachal Pradesh, Itanagar.
11. File No. DA Cell/ Annual Transfer/ 2006.

~~✓ 21/2/06~~
Sr. Accounts Officer,
DA Cell.

Received copy of personal
9/3/06
(Hage Tamin)
D. A.
Daporijo (Elect) Division
of Shillong

MEMORANDUM OF APPEARANCE

Date : 7/6/06

To,

b/ The Registrar
Central Administrative Tribunal
Bhangagarh, Rajgarh Road,
Guwahati.

IN THE MATTER OF :

O.A. No. 79 of 2006

Sri L. B. Karmakar

----- Applicant

- Vs -

Union of India & Others

----- Respondents

I, M. U. Ahmed, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, hereby enter appearance on behalf of the Union of India & Respondents Nos. _____ in the above case. My name may kindly be noted as Counsel and shown as Counsel for the Respondent/s.

M. U. Ahmed

(Motin Ud-Din Ahmed)
Addl. C.G.S.C.