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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 08/2005

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SECTION OFFICER (Judl.)

*Brahma*  
01.11.2007

## FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

## ORDER SHEET

Original Application No. 8/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: All Assistant accounts officer/Section Officer  
Respondents U.O.I. 905Advocates for the Applicant J.L. Sarkar, Mrs. B. DuttaAdvocates of the Respondents CASL

Notes of the Registry Date Order of the Tribunal

This application is in form  
is filed/p.C. F. for Rs. 50/-  
Deposited v/s C.I.C./B.D.  
No. 206/135/05  
Dated 9.11.05

11.1.2005

present: The Hon'ble Mr.K.V.Prahладan  
Member (A).

Heard Mr.J.L.Sarkar, learned  
counsel for the applicants. Mr.A.K.  
Chaudhuri, learned Addl.C.G.S.C. was  
present on behalf of the respondents.

The application is admitted, call  
for the records, returnable within  
four weeks. List on 14.2.2005 for  
orders.

Pendency of this application  
shall not be a bar on the respondents  
to consider the transfer of the appli-  
cants from Nagaland with options.

*CV Prahладan*  
Member

bb

Notice & order sent  
to O/Section for  
returning to resp.  
No. 1 to 3 by regd.  
A/D post.

*2/2/05* D/No = 213 to  
215  
DT = 7/2/05.

28.02.2005 Present: The Hon'ble Mr. K.V. Prahladan, Member (A).

Four weeks time is given to the respondents to file written statement. List on 1.04.2005 for orders.

110-WTS ha-seen-87/od  
5/2 - aam-theed

*On  
31-3-05*

*K. V. Prahladan*  
Member (A)

mb

01.04.2005 Present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Mr. J.L. Sarkar, learned counsel for the applicant is present. Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. for the respondents seeks time for filing written statement. List on 4.5.2005. Written statement if any, in the meantime.

*3-5-05*  
110-WTS ha-seen-87/od

*On*

mb

4.5.05

Counsel for the applicant is absent. Mr A.K. Chaudhuri, learned Addl. C.G.S.C. seeks further time to file written statement.

*List on 1.6.05 for order.*

*G. Sivarajan*  
Vice-Chairman

2.6.05

pg

*WTS filed by  
the Respondent Nos. 1 & 2.*

*On*

01.06.2005

Mr. M. Chanda, learned counsel for the applicant submits that rejoinder is has to be filed. Post for hearing on 22.6.2005. Rejoinder, if any, in the meantime.

*No. Rejoinder has  
been filed.*

*On  
21.6.05*

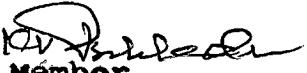
mb

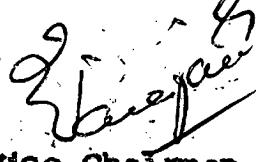
*G. Sivarajan*  
Vice-Chairman

3  
3  
O.A.8/2005

20-7-05  
no rejoinder filed  
for

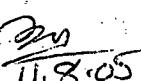
22.6.2005 Mr. J.L. Sarkar, learned counsel for the applicant submits that applicant wants to file rejoinder. Post on 21.7.2005.

  
Member

  
Vice-Chairman

bb

21.7.2005 Mr. J.L. Sarkar, learned counsel for the applicant seeks time for filing rejoinder. Post on 12.8.2005.

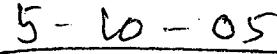
  
11.8.05

  
Member

  
Vice-Chairman

mb

12.8.2005 Heard Mr. J.L. Sarkar, learned counsel for the applicant and Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. Post this application for final hearing in the next Division Bench. Rejoinder, if any, in the meantime.

  
5-10-05

- (1) W/B has been filed.  
(2) No Rejoinder has been filed.

  
My

  
Member

  
Vice-Chairman

mb

6.10.2005 Mr. J.L. Sarkar, learned counsel for the applicant seeks for an adjournment. Ms. U. Das, learned Addl. C.G.S.C. for the respondents has no objection. Post on 14.11.2005.

No. Rejoinder has been filed.

  
11.11.05

  
Member

  
Vice-Chairman

6.10.2005

Mr. J.L. Sarkar, learned counsel for the applicant seeks for adjournment. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents has no objection. Post on 14.11.2005.

bb

  
Member

  
Vice-Chairman

14.11.2005 Mr. S. Nath, learned counsel for the applicant and Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents are present. They submit that this is a Division Bench matter. Post ~~xx~~ before the next Division Bench.

9-3-06  
No Rejoinder has  
been filed.

mg

9-3-06  
Vice-Chairman

mb

10.3.2006 Counsel for the applicant sought for adjournment. Post before the next Division Bench.

Vice-Chairman (J)

Vice-Chairman (A)

bb

*Received  
Abha Das  
Addl. C.G.S.C.  
31/8/06*

04.08.2006 Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is closed. No order as to costs.

G  
Member

Vice-Chairman

mb

*R/R/15  
R/R/12/06*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

8 of 2005

O.A. No. ....

04.08.2006

DATE OF DECISION .....

All Assistant Accounts Officers/Section Officers Association

..... Applicant/s

By Advocates Dr. J.L. Sarkar and Mrs. K. Dutta

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

- Versus -

Union of India & Others

..... Respondent/s

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

..... Advocate for the  
Respondents

CORAM

HON'BLE SRI K.V. SACHIDANANDAN, VICE-CHAIRMAN  
HON'BLE SRI GAUTAM RAY, ADMINISTRATIVE MEMBER

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

Vice Chairman

X

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 8 of 2005.

Date of Order: This the 4th day of August 2006.

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

The Hon'ble Sri Gautam Ray, Administrative Member.

1. All Assistant Accounts Officers/  
Section Officers (Group-B), II Association,  
Represented by the General Secretary,  
Sri Dilip Ranjan Chakraborty, Office of  
the Sr. Deputy Accountant General (A&E),  
Nagaland, Kohima.
2. Sri Pijush Chakraborty, Working as  
Assistant Accounts Officer, Office of the  
Sr. Deputy Accountant General (A&E),  
Nagaland, Kohima.

... Applicants

By Advocates Dr. J.L. Sarkar and Mrs. K. Dutta.

- Versus -

1. Union of India, represented by the Comptroller  
and Auditor General of India, New Delhi.
2. Accountant General (A & E),  
Assam, Maidam Gaon, Beltola,  
Guwahati - 28.
3. Sr. Deputy Accountant General (A&E)  
Nagaland, Kohima.

... Respondents

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

.....  
**ORDER (ORAL)**

**K.V. SACHIDANANDAN, (V.C.)**

Dr. J.L. Sarkar, learned Counsel for the Applicants prayed for taking up the matter as unlisted. Prior notice has also been given to the learned Counsel for the Respondents. Therefore, the matter

L

was taken up out of list and disposed off today with the consent of the parties.

2. There are two Applicants in this Application and now they are working as Assistant Accounts Officer, Nagaland, Kohima. Their grievance is that they are entitled to transfer to other part of the North Eastern Region. Aggrieved by the said action of the Respondents, they have filed this Application seeking the following reliefs: -

"8.1 The respondents be directed to formulate a fair policy of transfer within North Eastern Region by accepting the suggestions of the applicants in their letter dated 01.08.2003, inter alia eliminating continuous posting for more than 3 years in Nagaland.

8.2 The existing transfer policy dated 22.03.2000 be set aside and quashed.

8.3 To invoke the power of the contempt of the court against the respondents for willfully neglecting the implementation of the judgment and order dated 27.02.2002 in OA No. 177/2001.

8.4 Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper."

3. When the matter was taken up for consideration, Ms U. Das, learned Addl. C.G.S.C. for the Respondents stated that she has filed written statement. Paragraph 8 of the written statement is quoted herein below: -

"8. That with regard to the statements made in paragraph 4.12, 4.13, 4.14 and 4.15 of the applications, the answering respondent No. 1 & 2 beg to state that the existing Policy of transfer and posting is being re-framed in the light of the recent instructions received from their Headquarters office i.e. the office of the Comptroller & Auditor General of India, New Delhi and that for framing such Policy all the Accountants General (A&E) of the N.E. Region have been requested vide this office D.O.

letter No. AG(A)/Con-C'Policy' rans'2005-2006'18-21, dtd, 6-5-05 to submit the options of Group-B officers working in their respective offices to enable this office to re-frame the existing Policy (annexure - 7) accordingly."

It is stated that the Respondent No. 1 has instructed the Respondent No. 2 to re-frame the transfer policy and accordingly, the transfer policy has reframed and a result prayer of the Applicants has already been granted.

4. Dr. J.L. Sarkar, learned Counsel for the Applicants submitted that he has no objection in disposing off the matter, however, liberty may be granted to the Applicant to agitate the grievance, if any. Liberty is granted and recording the said submission, the O.A. is closed. No order as to costs.



(GAUTAM RAY)  
ADMINISTRATIVE MEMBER



(K.V. SACHIDANANDAN)  
VICE-CHAIRMAN

/mb/

In The Central Administrative

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
Tribunal

Guwahati Bench :: Guwahati.

10 JAN 2005

गुवाहाटी न्यायालय  
Guwahati Bench

O.A. No.

All Assistant Accounts  
Officers/Section Officers  
(Group-B), II Association and  
another.

VS

Union of India & Ors

#### SYNOPSIS OF THE APPLICATION

That the application is made for a direction to the respondents for formulating a fair transfer/posting policy of all Section Officers and Assistant Accounts Officers in the North Eastern Region in terms of judgement of this Hon'ble Tribunal dated 27.02.2002 in O.A. No. 177/2001 and judgement of the Hon'ble Gauhati High Court dated 17.01.2003 in WP(C) No. 336/2003.

That the applicants are being discriminated by the respondents by not transferring them out of Nagaland, which is a hard station, since their appointment whereas similarly situated employees in the common cadre have been transferred and posted following all North Eastern Region transfer liability and common recruitment rules.

That the existing policy of transfer and posting dated 22.03.2000 suffers from various drawbacks which leads to indifferent and discriminatory treatment of AAOs/SOs of Nagaland. The said transfer policy fails to recognise the

importance on the transfer/posting of officers on the basis of common seniority and the rules of all North Eastern Region transfer liability. The said policy is also cryptic and against the very purpose of common cadre having common seniority and recruitment rules.

That the applicants, after the aforesaid judgements of this Hon'ble Tribunal and the Hon'ble Gauhati High Court forwarded their suggestions by letter dated 01.08.2003 to the respondents for revision/modification of the said transfer policy. But the respondents are reluctant to review/modify the said transfer policy. The inaction of the respondents has been causing serious damages to the service and life of the applicants.

#####
#

10 JAN 2005

In The Central Administrative Tribunal  
Guwahati Bench :: Guwahati.

O.A. No. 12884

All Assistant Accounts Officers/  
Section Officers (Group-B), II  
Association & anr. Applicants

----- Versus -----

Union of India & Ors Respondents

I N D E X

S.I.No.	Annexure	Particulars	Page No.
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2.		Verification	17
3.	A	Gradation List	18-27
4.	B	Judgement dt. 27.2.02	28-31
5.	C	Judgement dt. 17.1.03	32-37
6.	D	Letters dt. 22.5.03 & 10.6.03	38-39
7.	E	Transfer Policy dt. 22.3.2000	40
8.	F	Suggestions dt. 1.8.03	41-44
9.	G	Extract of Central Govt. Scheme	45-46

Filed by:

ADVOCATE

12  
Filed by the applicant through  
cte of advocate Mr. K. N. Palashidutta.  
K. N. Palashidutta.

13

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

D.A. No. /2664

Filed by the applicant through  
advocate Mrs. Farabi Datto;  
M. Chakraborty

BETWEEN

1. All Assistant Accounts Officers/Section Officers (Group-B), II Association, represented by the General Secretary, Sri Dilip Ranjan Chakraborty, Office of the Sr. Deputy Accountant General (A & E), Nagaland, Kohima.

2. Sri Pijush Chakraborty, working as Assistant Accounts Officer, Office of the Sr. Deputy Accountant General (A & E), Nagaland, Kohima.

Applicants

- VS. -

1. Union of India represented by the Comptroller and Auditor General of India, New Delhi.

2. Accountant General (A & E), Assam, Maidam Gaon, Beltola, Guwahati-28.

3. Sr. Deputy Accountant General (A & E), Nagaland, Kohima.

Respondents

**Details of the Application :**

**1. Particulars of the order against which the application is made :**

The application is made for a direction to the respondents for formulating fair transfer/posting policy of all Section Officers and Assistant Accounts Officers in the North East region.

**2. Jurisdiction:**

The Applicants declare that the subject matter of the application is within the jurisdiction of the Hon'ble tribunal.

**3. Limitation:**

The applicants declare that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

**4. Facts of the case:**

4.1 That the members of the Applicant association and the Applicant No. 2 are citizens of India and as such they are entitled to the rights and Privileges guaranteed by the Constitution of India.

4.2 That the Applicant No. 1 is a recognised Association and its members are Assistant Accounts Officers (for short AAO) and Section Officers (for short SO) working under the Senior Deputy Accountant General (A & E), Nagaland, Kohima. This Association is called All Assistant

Accounts Officers/ Section Officers (Group-B) II Association (hereinafter called the Association). The Association is represented by the General Secretary. The Applicant No. 2 is working as Assistant Accounts Officer (Group-B) in the said Office of the Senior Deputy Accountant General (A & E), Nagaland, Kohima.

4.3 That your applicants beg to state that they have a common grievance and common cause of action. They pray for grant of permission under Rule 4(5) (b) of the Central Administrative Tribunal (Procedure) Rules 1987 to move this application jointly.

4.4 That the applicants beg to state that they are presently working as AAO/SO in the Office of the Senior Deputy Accountant General (A & E), Nagaland, Kohima and all of them are posted at Nagaland. It is, for appraisal of the Hon'ble Tribunal, stated that each of the seven states of the North Eastern Region has its own Accountant General. Each of the individual Accountant General is a cadre controlling authority in respect of the staff up to the level of Supervisors. The cadres of Section Officers, Assistant Accounts Officers, Accounts Officers and Senior Accounts Officers are common for all the seven states of the North Eastern Region, and the Accountant General (A & E) Assam, Guwahati is the cadre controlling authority of all these cadres. As such the applicants belong to the common cadre of North East Zone. The applicants are having common seniority on all North Eastern Zone basis and they have also all North Eastern Region transfer liability.

*Mukhreya*

Copy of the Gradation List as on  
01.03.2003 is enclosed as  
Annexure-A.

4.5 That the applicants beg to state that they have been working in the Office of the Senior Deputy Accountant General, Nagaland since long and the respondents have been treating them indifferently in the matter of their transfer and posting by not transferring the applicants out of Nagaland since their appointment though they belong to a common cadre and have all North Eastern Region transfer liability. It is stated that the entire state of Nagaland has been described as a disturbed area by the Government of India. The disturbances in the state of Nagaland have led it to be treated as tenure station/hard station taking into consideration of its various problems as well as its geographical position. It is an admitted fact that there are various difficulties in the state of Nagaland for the persons who does not originally belong to the state of Nagaland and the applicants are admittedly non residents of Nagaland and are performing their duties at Nagaland with all such difficulties. It is stated that other AAOs/SOs posted in different States viz., Assam, Meghalaya, Tripura etc. are not transferred to Nagaland with corresponding transfer of staff from Nagaland.

4.6 That the applicants are being discriminated by the respondents by not transferring them out of Nagaland since their appointment whereas similarly situated employees in the common cadre have been transferred and posted following

all North Eastern Region transfer liability and common recruitment Rules. The instances are at galore that AAOs and SOs from other N.E. States are transferred and posted at Nagaland against the post held by the employees of states other than Nagaland and they are posted back to their original place of posting only after 18 months. The applicants beg to cite the following few examples of such discrimination :

- (i) Sri Meghnad Saha, AAO transferred and posted to Nagaland from Agartala by Order dated 27.03.1995 and was sent back from Nagaland to Agartala by Order dated 08.10.1996.
- (ii) Sri Amiya Bhushan Das, AAO transferred and posted to Nagaland from Agartala by Order dated 20.08.1998 and was sent back from Nagaland to Agartala by Order dated 08.05.2000.
- (iii) Sri Amit Chakraborty, Sr. Accountant on promotion as SO transferred and posted to Nagaland from Agartala by Order dated 04.03.1999 and was sent back from Nagaland to Agartala by Order dated 27.11.2000.
- (iv) Sri Sanjoy Saha, Sr. Accountant transferred and posted to Nagaland from Agartala by Order dated 18.01.2001 and was sent back from Nagaland to Agartala by Order dated 26.09.2002.
- (v) Sri Sanjoy Bhattacharjee, AAO transferred and posted to Nagaland from Agartala by Order dated 20.09.2002 and was sent back from Nagaland to Agartala by Order dated 05.08.2004.

4.7 The applicant further beg to state that there are

instances of officers who have not been transferred from their present office since long and they are holding the offices because of the favour of the respondents to accommodate them outside Nagaland and these officers have the privilege of remaining at the same station such as Shillong and Guwahati for a long time. Such a discriminating attitude of the respondents is unfair and unjust. The applicant for the appraisal of this Hon'ble Tribunal beg to cite few of such examples :

<u>Sl No</u>	<u>Name</u>	<u>Designation</u>	<u>Place of Posting</u>
1.	Sri T. Choudhury	AAO	Guwahati
2.	Sri Ajay Kr. Dey	AAO	Guwahati
3.	Sri Debasish Deb Purkayastha	AAO	Guwahati
4.	Sri Promoth Das	AAO	Guwahati
5.	Sri Gopal Krishna Dey	AAO	Guwahati
6.	Sri Ratan Das	AAO	Guwahati
7.	Sri Nihar Lodh	AAO	Guwahati
8.	Sri Dawa Sang Lama	AAO	Shillong
9.	Sri A.B. Thapa	AAO	Shillong
10.	Sri Saberius Nengbah	AAO	Shillong
11.	Sri S.R. Deb	AAO	Shillong
12.	Sri Ashim Das Choudhury	AAO	Guwahati
13.	Sri P. Barman	AAO	Guwahati
14.	Sri D.K. Dhar	AAO	Guwahati
15.	Sri Aravindakshan		Guwahati

4.8 That the applicants beg to state that the respondents have not formulated fair policy of transfer and posting of AAOs and SOs and the existing practice and policy

of transfer dated 23.03.2000 is discriminatory and against the procedure of tenure posting at hard station like Nagaland. The said transfer policy is not in conformity with the recruitment Rules of all North Eastern Region transfer liability. The said practice and transfer policy instead made purportedly for accommodating the officers at their choice station of posting and to deny the transfer of the applicants out of Nagaland, and rotation in other States.

4.9 That the applicants beg to state that they had represented several times individually and collectively through the association their grievances for a uniform and fair transfer policy before the concerned authorities but nothing had been done in this regard nor the applicants were transferred out of Nagaland. Being highly aggrieved by the inaction of the respondents the applicants moved this Hon'ble Tribunal through OA. No.177/2001 inter-alia praying for a direction to the respondents to frame a fair transfer policy within a reasonable time in respect of all the AAOs and SOs. The Hon'ble Tribunal disposed of the said OA. No.177/2001 by Order dated 27.02.2002 with the observation that the respondents should have considered the case of the applicant by framing a fair transfer policy for all AAOs and SOs for tenure posting at Nagaland. The Hon'ble Tribunal was of the view that the respondents have framed transfer policy for accommodating the officers at their choice station of posting. The respondents were accordingly directed to review the transfer policy in consultation with the Association and taking into account administrative exigencies. It was also directed that the transfer policy should be fair for all the

officers of the any region and officers posted at Nagaland should be considered for posting to other states of North East. It is stated that the officers now posted in Nagaland shall have to be transferred out of Nagaland in reasonable interval uniformly applied to officers posted in all States, and rotational system should be enforced uniformly.

Copy of the Order of the Hon'ble Tribunal dated 27.02.2002 is enclosed as Annexure-B.

4.10 That the applicants beg to state that in spite of the aforesaid direction of the Hon'ble Tribunal the respondents remained silent. The applicants' prayers as regards preparation of a transparent transfer policy for all the AAOs and SOs fixing a minimum period in each station including in hard station treating the applicants at par with the other AAOs and SOs and the prayer for a direction to treat AG (A & E), Nagaland as a separate cadre widening the promotional avenues of the applicants were remained unconsidered. Being aggrieved the applicants moved the Hon'ble Gauhati High Court through Writ Petition No.WP(C)336/2003. The Hon'ble Gauhati High Court by judgement dated 17.01.2003 disposed of the writ petition with the observation that direction given by the Hon'ble Tribunal in OA. No.177/2001 shall be complied with by the respondents within a period of 3 months. The liberty was given by the Hon'ble High Court to approach the appropriate forum for redressal of the grievances of the applicants, if still persists.

Copy of the judgement of the

Hon'ble High Court dated 17.01.2003  
is enclosed as Annexure-C.

4.11 That thereafter the respondents by letter dated 22.05.2003 and 10.06.2003 forwarded copy of the existing policy for transfer/posting dated 22.03.2000 of common cadre officers in the North Eastern Region to the applicant association for its suggestion on the matter of review and modification of the said policy.

Copy of the letters dated 22.05.2003 and 10.06.2003 are enclosed as Annexure-D.

Copy of the transfer/posting policy dated 22.03.2000 is enclosed as Annexure-E.

4.12 That the applicants humbly submit that the existing policy of transfer and posting suffers from various drawbacks which leads to indifferent and discriminatory treatment of AAOs/SOs of Nagaland. Some of the defects in the said transfer policy which requires revision/modification are as under :

(i) That clause 1 of the said transfer policy is arbitrary, unjust, unfair and biased for the reason that it acts as a punishment for the officers of Nagaland who have passed Section Officers Grade Examination from Nagaland. Administrative fairness of equitable rotation has been seriously violated by this clause.

(ii) That the clause 3 of the said transfer policy incorporates concept of deficit office which is not

justified in the common cadre. This is a maneuver to deprive the officers of Nagaland of getting opportunity of being transferred out of Nagaland. There are instances at galore that officers from other states when transferred and posted at Nagaland they often do not join because of the inherent problem of the State of Nagaland due to which deficits in staff arises at Nagaland.

- (iii) That the term "Base Office", "Base Cadre" and "Outstation Deficit Offices" used in the said transfer policy are irrelevant in a common cadre.
- (iv) That the said transfer policy fails to recognise the importance on the transfer/posting of officers on the basis of common seniority and the Rules of all North Eastern Region transfer liability.
- (v) That the said transfer policy is cryptic and against the very purpose of common cadre having common seniority and recruitment rules.

4.13 That the applicants in view of the above defects in the existing transfer policy forwarded their suggestions by letter dated 01.08.2003 to the respondents for revision/modification of the said transfer policy. In their said suggestions the applicants worked out the policy of transfer for a tenure of 3 years on rotation, which if followed, no officer shall be required to be posted at Nagaland for more than 3 years in his/her whole service life. The applicants, therefore, suggested the followings for revision/modification of the said transfer policy :

(i) All staff belonging to the common cadre will have the same liability of transfer to all stations within the cadre.

(ii) To the extent possible, and subject to administrative convenience, staff will be posted according to their preference of station.

(iii) For the above purpose, a list will be maintained by CCA ranking officers as per their station seniority.

(iv) When vacancies arise in various offices of the cadre, postings will be made as per the above list, with the officer having the maximum station seniority posted to the office having the vacancy and so on.

(v) In the event an officer is shifted out of his preferred station of posting, his tenure outside his preferred station of posting should be not more than 3 years, especially in the case of posting to Nagaland.

Copy of the suggestions submitted by letter dated 01.08.2003 is enclosed as Annexure-F.

4.14 That the applicants beg to state that the respondents have received the aforesaid suggestions for revision/modification of the existing transfer policy but nothing in this regard has been done by the respondents. The respondents are reluctant to review and modify the said transfer policy even after the direction from this Hon'ble Tribunal and the Hon'ble Gauhati High Court. The inaction of the respondents in this regard has been causing serious

damages to the service and life of the applicants which violates Article 14, 16 and 21 of the Constitution of India.

4.15 That the applicants beg to submit that the entire action/inaction of the respondents are whimsical, arbitrary, against the cause of administrative fairness and violative of principles of equity, justice and fair play. The malice is explicit in the facts and circumstances of the case.

4.16 That the applicants beg to state that it is an admitted fact that the employees posted in the Nagaland Cadre receive constant threat from miscreants and respondents are aware of this. The applicants including the members of the Association are compelled to work under such situations. Nagaland is the hardest amongst the hard stations. No special allowance is given to those who are posted at Nagaland from N.E. Region. In the special and peculiar circumstances of the posting at Nagaland the employees deserve to be granted Special (Duty) Allowance at the rate as prescribed by the Central Government to those posted from outside N.E. Region. The scheme of the Central Government for payment of SDA to those coming from outside N.E. Region should be relaxed and extended to those posted in Nagaland from the common cadre from outside Nagaland, any other allowance of the nature with other nomenclature may be granted.

*Shubhankar*

Extract of the Central Government  
Scheme is enclosed as Annexure-G.

4.17 That the applicants submit that in the facts and circumstances as stated above it has become imperative that

a fair transfer policy is made by the respondents without further delay by accepting the aforesaid suggestions of the applicants in their letter dated 01.08.2003 because continuing posting of the members of the applicant association in Nagaland has been causing irreparable loss to them.

5. **Ground for reliefs with legal provisions.**

5.1 For that the inaction of the respondents for not formulating a fair transfer policy is illegal, arbitrary and whimsical and offends Article 14 of the Constitution of India.

5.2 For that the respondents are liable to formulate a fair transfer policy in terms of the judgement of this Hon'ble Tribunal dated 27.02.2002 passed in O.A. No.177/2001 and judgement of the Hon'ble Gauhati High Court dated 17.01.2003 in WP(C) No.336/2003.

5.3 For that the existing transfer policy is a discriminating one in the matter of transfers of the applicants.

5.4 For that the applicants are being discriminated by the respondents by not transferring them out of Nagaland since their appointment.

5.5 For that the existing practice and policy of transfer is against the procedure of tenure posting at hard station like Nagaland.

5.6 For that the existing transfer policy is not in conformity with the recruitment rules of all North Eastern Region transfer liability.

5.7 For that the existing transfer policy is cryptic and against the very purpose of common cadre having common seniority and recruitment rules.

5.8 For that the term "Base Office", "Base Cadre" and "Outstation Deficit Offices" used in the existing transfer policy are irrelevant in a common cadre.

5.9 For that the applicants forwarded their suggestion to the respondents for modification/revision of the transfer policy wherein they have suggested the scheme of transfer for a tenure of 3 years on rotation, which if followed, no officer shall be required to be posted at Nagaland for more than 3 years in his/her whole service life. The inaction of the respondents in formulating a fair transfer policy incorporating the suggestions of the applicants violates Article 14, 16 and 21 of the Constitution of India.



**6. Details of the remedies exhausted**

The applicants declare that there is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter.

**7. Matters not previously file or pending with any other court**

The applicants declare that they have not filed any case on the subject matter before any court, forum or any other institution.

8. **Reliefs sought for**

Under the above facts and circumstances the applicants pray for the following reliefs :

8.1 The respondents be directed to formulate a fair policy of transfer within North Eastern Region by accepting the suggestions of the applicants in their letter dated 01.08.2003, inter-alia eliminating continuous posting for more than 3 years in Nagaland.

8.2 The existing transfer policy dated 22.03.2000 be set aside and quashed.

8.3 To invoke the power of the contempt of the court against the respondents for willfully neglecting the implementation of the judgement and order dated 27.02.2002 in OA No.177/2001.

8.4 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

9. **Interim Relief**

During the pendency of this application the applicant prays for the following interim reliefs:

9.1 The members of the applicant association who have completed 3 years or above in Nagaland may be transferred and posted to other station with options.

9.2 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

10. This application is filed through the Advocate.

11. **Particulars of Postal Order:**

i) IPO No : 209 135105  
ii) Date of Issue : 9-11-2004  
iii) Issued from : G.P.O.  
iv) Payable at : Guwahati.

12. **List of Enclosures**

As per Index.

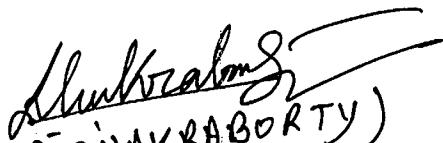
\_\_\_\_\_  
Verification

Verification

Ranjan

I, Sri Dilip Chakraborty, General Secretary of the Association on being authorised by the members of the said Association do hereby verify that the statements made in the paragraphs 1,4,6 to 12 are true to my knowledge and statements in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this th day of , 2004.

  
(D.R. CHAKRABORTY)

General Secretary  
All Assistant Account Officers  
Officers (Group "B") Association  
Officer, Sr. Dy. Accountant (Group "A")  
Iyer, Chakraborty

IN THE ACCOUNTANT GENERAL (A&E) OFFICE, ASSAM

ANNEXURE - A

অসম সরকার (সে. পুরুষ) গুৱাহাটী স্বাস্থ্যস্থান

Office of the Accountant General (A & E)  
Assam.

মাইদামগাঁও, বেলতোলা, গুৱাহাটী - ৭৮১ ০২৯  
Maidamgaon, Beltola, Guwahati - 781 029

30

Ref. DACI(A)/Con-c/GI/2002-03 G.O.M.R.  
Dated 05/11/2003

To

05/11/2003

The Sr. Dy. Accountant General (A),  
Dy. Accountant General (A&E),  
O/o the Accountant General (A&E)  
Meghalaya, Shillong-793 001,  
Nagaland, Kohima - 797 001,  
Manipur, Imphal - 795 001,  
Tripura, Agartala - 799 006.

Sub: Gradation list as on 01.03.2003

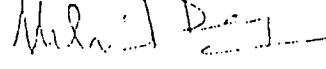
Sir,

I am to forward herewith a copy of Gradation list as on 01.03.2003  
in respect of Section Officers to Sr. Accounts Officers of N.E. Zone (A&E) offices  
for information and necessary action.

Kindly acknowledge the receipt.

Encl: As stated above.

Yours faithfully,

  
Asstt. Accounts Officer  
Confidential Cell

GRADATION LIST OF THE  
OFFICE OF THE ACCOUNTANT  
GENERAL(A&E) ASSAM, GUWATI/  
MEGHALAYA ETC, SHILLONG/  
MANIPUR, IMPHAL/NAGALAND,  
KOHIMA/  
TRIPURA, AGARTALA

FROM SECTION OFFICER TO SENIOR  
ACCOUNTS OFFICERS AS ON

01-03-2003

*Attested.  
M. Lakshminarayana  
Sen.*

OFFICE OF THE ACCOUNTANT GENERAL(A&E) ASSAM

MAIDAMGAON, BELTOLA, GUWAHATI - 781029

The Gradation list as on 01.03.2003 in respect of the persons belonging to the Common Cadre of North East Zone Officers from Section Officer to Sr. Accounts Officers level.

IN.B. Nothing in this Gradation list to be taken as conveying any sanction of Authority or may be held to supersede any standing Rules or orders of the Central Government with which it may be at variance.

( RAJIB SHARMA )

ACCOUNTANT GENERAL(A&E) ASSAM

Attested  
Rahabichandra  
Sarkar

SANCTIONED STRENGTH FOR  
NORTH EAST ZONE (A&E) OFFICES

NAME OF CADRE	SANCTIONED STRENGTH	TOTAL STRENGTH	REMARKS
Sr. Accounts Officer	47		
Accounts Officer	15	62	
Asstt. Accounts Officer	139	139	
Section Officer	38	38	3 Posts of S.O. kept in abeyance in the office of the A.G.(A&E) Assam, Guwahati.

*Sanctioned  
M. Subodh  
Saw.  
1/1*

DR. OFFICERS OFFICER AS ON 01.01.2001  
SCALE OF PAY :- Rs. 8,000-225-13,500/- p.m.

34

SL. NO.	FULL NAME & EDUCATIONAL QUALIFICATION	WETHER/DATE OF BIRTH	DATE OF BIRTH/CONTINUOUS	DATE OF COMPLETION OF COURSE	DATE OF PASSING	DATE OF JOINING	DATE OF RELEASE	PERIOD	
1	2	3	4	5	6	7	8	9	10
1	<u>SHRI RAVI PATEL, PUPRI</u> B.A.	ST 01/07/95	22/04/91-01/04/92 17/03/96	*	APR'90 01/03/99	APR'90 01/03/99	12150.00 01/10/02	will retire w.e.f. 30/09/02	
2	<u>SHRI RAHUL DASGUPTA</u> B.A.	NEITHER 01/05/95	01/04/92 19/03/95	*	NOV'93 09/02/04	NOV'93 01/02/04	12125.00 01/02/04		
3	<u>SHRI DIPAKAL SENGUPTA</u> BA	NEITHER 01/12/95	01/04/92 20/01/70	*	NOV'74 23/02/04	NOV'74 01/02/02	12125.00 01/02/02	APPOINTED AS WELFARE OFFICER W.E.F. 11-05-02	
4	<u>SHRI ADY K.R. DAS(111)</u> BA	ST 01/07/92	01/04/92 18/11/72	*	Dec'81 01/03/78	01/01/00 01/03/78	11300.00 01/01/03		
5	<u>SHRI DILIP SARKAR</u> B.Sc.	NEITHER 27/02/95	01/04/92 07/09/95	*	Nov'75 01/01/97	Nov'75 01/01/97	11075.00 01/01/97		
6	<u>SHRI ASIT MAZUMDER</u> BSC(DIST)	NEITHER 01/09/92	01/02/92 15/06/70	*	Dec'77 01/01/97	Dec'77 01/01/97	11075.00 01/05/02		
7	<u>SHRI Y. HARGOGI SINGH</u> BSC(DIST)	NEITHER 01/06/59	22/01/94 25/10/72	*	DEC'79 01/01/87	DEC'79 01/01/87	10725.00 01/04/92		
8	<u>SHRI CHINMOY ROY</u> BA	SC 01/04/48	29/09/94 11/05/72	*	Jan'85 01/03/76	01/01/00 01/03/76	10475.00 01/03/76		
9	<u>SHRI KALI KRISHNA DUTTA ROY</u> B.Sc.	NEITHER 01/02/51	04/11/94 10/09/64	*	APR'90 01/03/02	APR'90 01/03/02	11300.00 01/03/02	will retire w.e.f. 31/12/02	
10	<u>SHRI PALIN CH. SURENDRA</u> B.Sc.	NEITHER 01/01/46	25/01/95 09/07/69	*	DEC'77 01/01/97	DEC'77 01/01/97	11075.00 01/02/02		
11	<u>SHRI BIRESH RAJNAT DEV</u> B.A.	NEITHER 01/02/45	09/11/95 29/08/64	*	APR'90 01/03/02	APR'90 01/03/02	11525.00 01/11/92		
12	<u>SHRI BIRESH CHANDRA CHOWDHURY</u> B.Sc.	NEITHER 01/03/45	09/02/95 05/12/64	*	APR'90 01/03/02	APR'90 01/03/02	10475.00 01/04/92		
13	<u>SHRI CHINMOY CHATTACHARJEE</u> B.Sc.	NEITHER 02/02/49	17/04/95 22/06/71	*	APR'90 01/03/02	APR'90 01/03/02	10425.00 01/04/92		
14	<u>SHRI SWOESI KUMAR DAS</u> B.Sc.	NEITHER 01/04/37	10/05/96 20/03/77	*	JULY'80 01/03/87	JULY'80 01/03/87	10425.00 01/04/92		
15	<u>SHRI ANILENDU DAS(11)</u> B.Sc.	SC 02/03/51	01/03/96 04/03/71	*	DEC'96 01/01/03	DEC'96 01/01/03	10200.00 01/03/03		
16	<u>SHRI DILASRATA BHATTACHARJEE</u> B.Sc.	NEITHER 01/01/49	15/01/97 10/06/74	*	Dec'79 01/03/97	Dec'79 01/03/97	10425.00 01/04/92		
17	<u>SHRI CHOURASHI JOY KR.</u> SINGH(11)	NEITHER 01/03/51	15/01/97 21/10/72	*	DEC'90 01/01/03	DEC'90 01/01/03	10425.00 01/04/92		
18	<u>SHRI B.G. DAS</u> B.A.	ST 01/03/50	15/01/97 29/03/76	*	DEC'90 01/03/93	DEC'90 01/03/93	9925.00 01/10/92		
19	<u>SHRI RAHUL DAS</u> B.Sc.	NEITHER 30/11/53	19/02/97 04/11/76	*	NOV'03 01/02/94	NOV'03 01/02/94	9925.00 01/02/94	ON PRESENTATION TO THE CABIN OF DIRECTOR, REMAIN PERIOD EXCLUDED	

*Attested,  
Rahul Datta  
S.S.*

b5

1	2	3	4	5	6	7	8	9	10	11
31.03.2003.										
20	SHRI HEMER KANTI CHOWDHURY B,SC	NEITHER 30/05/49 11/03/97	*	Dec 80	50	10425.00				
		16/05/73			01/03/97	01/04/02				
21	SHRI BIDYUT KAL CHOWDHURY B,SC	NEITHER 29/10/52 11/03/97	*	Dec 80	50	10425.00				
		14/05/76			01/03/97	01/04/02				
22	SHRI PRABOY PRASAD HAZ B, COH	NEITHER 17/01/50 21/03/97	*	Nov/93	01/01/93	10200.00				
		05/02/76			20/02/94	01/03/03				
23	SHRI BIRENDU KANTI SEN B,SC	NEITHER 07/01/51 19/02/90	*	Dec 82	01/01/93	10425.00				
		26/02/74			01/03/97	01/04/02				
24	SHRI BIKASH KR.DAS TUKRAYASHA	NEITHER 01/09/46 02/03/90	*	Dec 80	50	10425.00				
		22/05/71			01/03/97	01/04/02				
25	SHRI AMITRAJ BIREN SINGH B,SC(OHNS)	NEITHER 01/03/55 02/03/90	*	JUL '85	01/01/93	10200.00				
		03/01/76			01/03/93	01/03/01				
26	SHRI PROTHIMA CHOWDHURY B,SC(OHNS)	NEITHER 31/01/55 22/03/93	*	JAN '85	01/01/93	10200.00				
		11/02/50			01/03/97	01/04/02				
27	SHRI PRABODH KUMAR SINGH B,SC	SC 02/01/53 21/07/28 04/01/97	*	Nov/89	01/01/93	10425.00				
		25/02/93			01/03/97	01/04/02				
28	SHRI DEBNARAYA CHAKRABORTY B,SC	NEITHER 01/09/50 05/01/93	*	Dec 85	01/01/93	9925.00				
		17/02/76			01/11/92	01/01/01				
29	SHRI HEMANTA B,SC	ST 01/01/45 06/01/93 01/01/01	*	SEP '88	01/01/90	10750.00				
		01/03/62			20/05/90	01/01/03				
30	SHRI PRABAL CHOWDHURY BARUAH B,SC	SC 02/03/54 07/01/93	*	Nov/87	01/01/93	9925.00				
		29/12/01			31/03/92	01/01/02				
31	SHRI H.KULDEEP PAL BOTH	NEITHER 04/09/55 09/04/93	*	Dec 87	01/01/93	0.00				
		20/12/02 04/01/93			01/04/93	/ /				
							DELEGATION TO E.T.O CHINNAT, MINISTRY OF I M.F.E., 12.03.2001 TO 14.03.2003.			
32	SHRI LAKSHMI CH. DEY B,SC	NEITHER 12/11/47 07/01/97	*	JAN/93	01/01/93	0.00				
		13/03/73			01/03/93	/ /				
							DELEGATION TO E.T.O DEPARTMENT, WEST BENGAL W.F.E., 26.03.2002 TO 21.06.2004.			
33	SHRI ARTHUR BHATTACHARJEE B,SC	NEITHER 01/03/49 15/06/22/01 01/01/93	*	DEC '86	01/01/90	11525.00				
		01/10/54			29/04/93	01/04/02				
34	SHRI PROTHIMA SARKAR	NEITHER 01/03/47 12/06/93	*	Dec 80	01/01/93	9925.00				
		01/01/71			01/03/97	01/04/02				
35	SHRI CHINMAY TUKRAYASHA B,COH	NEITHER 01/04/52 12/06/93	*	DEC '86	01/01/93	9925.00				
		06/11/70 01/01/01			01/03/97	01/04/02				
36	SHRI PRATIKLAL THAKER B,SC	SC 01/02/56 12/06/93	*	Nov/89	01/01/93	9925.00				
		29/01/92			01/03/93	01/01/02				
37	SHRI LJOY CHOWDHURY SINGH B,SC	NEITHER 01/03/53 09/03/00	*	SEP '86	01/01/93	9925.00				
		19/06/01			01/03/97	01/04/02				
38	SHRI PROULLA DORA B,SC	NEITHER 01/07/54 00/03/00	*	FEB '90	01/01/93	9925.00				
		11/05/77			01/11/92	01/01/02				
39	SHRI KALISANKU BHATTACHARJEE B,SC	NEITHER 17/10/52 01/01/01	*	SEP '88	01/01/90	9925.00				
		26/08/76			29/02/94	01/04/02				
40	SHRI SURAJA DEB ROY B,SC	NEITHER 01/01/55 01/02/01	*	DEC '87	01/01/93	9925.00				
		12/12/77			01/11/92	01/02/03				
41	SHRI DEBNARAYA CHAKRABORTY B,SC	NEITHER 02/02/55 01/01/01	*	SEP '86	01/01/93	9925.00				
		22/12/70			31/03/92	01/03/03				
42	SHRI DIOAKAL CHOWDHURY B,SC	NEITHER 05/06/51 27/02/01	*	Dec 89	01/01/93	9925.00				
		25/05/74			01/03/97	01/04/02				
43	SHRI JIDDERBHAI KHANZADA B,SC	NEITHER 01/11/51 02/04/01	*	Nov/89	01/01/93	9925.00				
		21/04/73			01/03/97	02/04/02				
44	SHRI PROULLA PRASAD KARMAKAR B,SC	SC 01/03/52 21/06/01	*	DEC '90	01/01/93	9925.00				
		15/01/90			01/03/93	21/06/02				
45	SHRI DIPRAO CH. KARMAKAR B,SC	ST 01/11/53 04/02/01	*	DEC '91	01/01/93	9925.00				
		14/12/01			01/04/93	20/03/02				

Attested  
Malabika  
Das

1	2	3	4	5	6	7	8	9	10
46	SRI L. BHOG BHAKT SHRI	NEITHER	01/01/53 01/01/01		NOV'89	W.C.I	01/01/90		
	B.A.		12/03/91				01/03/02	01/01/01	
47	SRI DIBASH DEKASH	NEITHER	01/01/42 02/01/02		NOV'89	W.C.I	01/01/90		
	DAUGHTER								
	BSC(DIS)		30/05/94				01/03/79	01/04/02	
48	SRI PARIJALI EMS	NEITHER	01/03/55 14/12/01		NOV'89	W.C.I	10200.00		
	BSC(HCIS)		24/03/76				23/04/94	01/05/03	
49	SRI ASIT KUMAR BANIK	NEITHER	04/02/53 01/01/02		NOV'89	W.C.I	9375.00		
	BSC(DIS)		02/02/77				23/02/91	01/02/01	
50	SRI SABUMLAL CHOWDH	NEITHER	03/03/53 15/03/02		NOV'89	W.C.I	9100.00		
	B.A.		10/06/72 01				23/02/94	01/02/02	
51	SRI TIRIOT PRABHU DEY	NEITHER	01/01/61 01/07/02		NOV'89	W.C.I	8925.00		
			09/05/93				01/04/93	01/07/02	
52	SRI DILIP CH. DASWANT	NEITHER	01/02/42 02/10/02		NOV'89	W.C.I	0.00		
	BSC		07/12/72				01/03/78	/	

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Attested  
Ababikar  
S. D.

ACCOUNTS OFFICED AS OF 01-03-2003  
SCALE OF PAY 1 - 129.  
1,500-250=12,000/-p.m.

S.R. #	FULL NAME & DESIGNATION NO. & QUALIFICATION	DATE OF BIRTH	DATE OF COMPLETION OF COURSE	DATE OF SUCCESSFUL PASSING	DATE OF CONFIRMATION	LAST IN- SERVICE DATE	DATE OF CONFIRMATION	LAST IN- SERVICE DATE	PAY AND PERIODS	
1	2	3	4	5	6	7	8	9	10	
1	SHRI JAGDISH CHANDRA GOSWAMI B.Sc.	NEITHER	01/03/47	01/09/93	*	MAY'90	NEITHER	9250.00		
				12/06/73			01/03/79	01/09/92		
2	SHRI DILIP KUMAR CHANDRA B.Sc.	NEITHER	01/04/50	01/03/93	*	MAY'90	NEITHER	9500.00		
				13/06/74			01/03/79	01/04/92		
3	SHRI AMIT DYOTTI DAS(II) B.COM(HONS)	NEITHER	21/01/59	30/12/93	*	MAY'90	NEITHER	0.00		
				20/10/76			28/02/84	/ /	ON DEPUTATION, PAY AS AS LSC IN THE DEPTT. OF INDUSTRIES, D.G.T./96 TRIPURA, W.E.F.13.3.7 10.19.10.26 CUMT AS QUALIFYING SERVICE FOR PENSION.	
4	SHRI RATHINDRA KUMAR DAS & 80 <sup>th</sup> B.A(HONS)	NEITHER	03/02/54	26/07/00	*	MAY'90	NEITHER	9250.00		
				26/10/76			28/02/84	01/11/02		
5	SHRI L. KIRAN SINGH B.Sc.	NEITHER	16/09/57	13/02/93	*	MAY'90	NEITHER	9500.00		
				25/01/99			01/03/03	01/03/93		
6	SHRI BIKRAM SINGH B.Sc.	NEITHER	25/01/54	22/02/01	*	MAY'90	NEITHER	0.00		
				11/03/90			28/02/84	/ /	ON DEPUTATION 0/0 THE WEST BENGAL, W.E.F.01.12.92 TO 30.12.92	
7	SHRI SES KALIO SINGH B.A.	NEITHER	27/09/47	22/07/01	*	MAY'90	NEITHER	9250.00		
				09/05/67			29/02/84	01/10/02		
8	SHRI PANTHILAL CHANDRA DAS B.A.	NEITHER	23/09/54	19/04/01	*	MAY'90	NEITHER	9500.00		
				04/10/90			28/02/84	01/02/03		
9	SHRI LOKANANDA DAS B.Sc.	NEITHER	09/01/56	24/03/01	*	MAY'90	NEITHER	9250.00		
				23/12/99			29/02/84	24/03/02		
10	SHRI DILIP KUMAR DAS(III) B.Sc.	NEITHER	03/04/56	24/03/01	*	MAY'90	NEITHER	9750.00		
				31/12/00			28/02/84	24/08/02		
11	SHRI SUBHAN CH. DEY B.A.	SC	05/09/55	19/12/01	*	NOV'91	NEITHER	9500.00		
				31/12/02			01/04/93	01/05/03		
12	SHRI KUMARBHOO CHAKRABORTY B.A(HONS)	NEITHER	01/08/43	01/01/02	*	DEC'90	NEITHER	10000.00		
				31/12/65			01/03/72	01/05/03	WILL RETIRE W.E.F.31	
13	SHRI SANKAL DAS B.Sc.	NEITHER	01/03/59	26/03/02	*	MAY'90	NEITHER	9500.00		
				05/10/03			01/04/03	26/03/02		
14	SHRI SAKHINRAJ TALUKDAR B.Sc.	NEITHER	01/12/48	01/02/02	*	DEC'90	NEITHER	9000.00		
				21/06/71			01/03/75	01/02/02		

Attested,  
Yalabidu  
S.D.

1	2	3	4	5	6	7	8	9	10
15	SURE SUCHEMBOU DAWANT 0.00	NEITHER 01/03/92 04/10/02 05/11/22		DEC 90	00011	00000.00			
16	SURE SUCHEMBOU HATE 0.00	NEITHER 04/12/51 01/01/03 05/03/26		DEC 90	00011	01/03/26 0.00	/ /		
						23/02/04	/ /		ON OCCUPATION TO 02/01/04 CANG NEW DEBT W.E.F. 01/10/95. FURTHER EXTEDDED 31-3-2003.
17	SURE PROBERTA QUITA 0.00	NEITHER 18/04/52 03/02/03 19/10/26		DEC 90	000100	10000.00			
18	SURE R. GUTHRIE S. 51691 0.00	NEITHER 01/02/57 24/02/03 07/06/26		DEC 90	000100	0750.00	01/10/04		
						01/03/03	01/06/03		

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- 27 -

9

ASSTT. ACCOUNTS OFFICER AS ON 01.03.2003  
SCALE OF PAY :- Rs. 6,000/- to 10,000/- p.m.

1	2	3	4	5	6	7	8	9	10
1	SRI. KALIKA SINGH	NEITHER	01/02/56 17/06/94 15/01/83	17/06/96 DEC '90	ACCT1 01/04/89	0.00 / /			
2	SRI. SHIVKIR KUMAR RATH	NEITHER	31/07/60 30/06/94 23/04/83	30/06/96 DEC '90	ACCT1 01/04/89	0.00 / /			ON DEPUTATION TO AGRICULTURE MUNICIPAL COUNCIL, H.E.F. 31.01.2002 TO 31.01.2003.
3	SRI. CHINMOY BISWAL DAS B.C.C.H.C.H.	NEITHER	01/02/54 22/05/95 02/02/77	22/05/97 NOV '91	ACCT1 20/02/84	0500.00 01/09/02			
4	SRI. JAGDISH CHOWDHURY B.C.C.H.	NEITHER	01/05/56 01/06/95 26/06/79	01/06/97 NOV '91	ACCT1 20/02/84	8100.00 01/06/02			
5	SRI. HU. SUMAN CH. SHAKHAN B.C.C.	NEITHER	01/03/57 22/05/95 20/06/01	22/05/97 NOV '91	ACCT1 01/03/87	7200.00 01/05/02			
6	SRI. CHH. HANSHI SINGH B.C.C.H.	NEITHER	27/12/56 22/05/95 30/11/02	22/05/97 Nov '91	ACCT1 01/04/89	7200.00 01/05/02			
7	SRI. L. T. SAWHNEY SINGH	NEITHER	01/03/61 25/05/95 04/01/83	25/05/97 NOV '91	ACCT1 01/03/87	7200.00 01/05/02			
8	SRI. LALIT KUMAR DAS DASIA	NEITHER	20/12/56 25/05/95 06/02/77	25/05/97 NOV '91	C/T 01/03/02	7200.00 01/05/02			
9	SRI. KALI BOWARI DED B.C.C.	NEITHER	01/03/51 25/05/95 01/10/01	25/05/97 Nov '91	ACCT1 01/04/89	7200.00 01/05/02			
10	SRI. ANILKUMAR KUMAR DAS	NEITHER	17/01/51 25/05/95 25/10/01	25/05/97 NOV '91	ACCT1 01/04/89	7200.00 01/05/02			
11	SRI. SATYA LALIT DAS	NEITHER	30/11/64 29/07/95 29/08/85	29/07/97 NOV '91	C/T 01/03/02	7200.00 01/07/02			
12	SRI. SHIVDIP KUMAR ROY	NEITHER	05/03/57 31/07/95 08/03/03	31/07/97 NOV '91	C/T 01/03/02	7200.00 01/07/02			
13	SRI. TANMOI CHAKRABORTY	NEITHER	06/01/63 31/07/95 26/03/06	31/07/97 Nov '91	C/T 26/03/03	7200.00 01/07/02			
14	SRI. BAWANU CHAKRABORTY	NEITHER	01/09/61 31/07/95 17/11/96	31/07/97 NOV '91	C/T 01/03/91	7200.00 01/07/02			ON DEPUTATION TO P.T. I. SHILLONG, H.E.F. 11.02.1994, FURTHER EXTENDED UNTIL 29-02-2004.
15	SRI. HU. JAGDISH CH. SINGH B.C.C.	NEITHER	01/02/61 31/07/95 06/03/02	31/07/97 NOV '91	C/T 01/04/89	6100.00 01/07/02			
16	SRI. K. JAGDISH CH. SINGH B.C.C.	NEITHER	01/01/63 21/09/95 06/03/87	21/09/97 NOV '91	C/T 01/04/89	7100.00 01/03/03			
17	SRI. GITESH CH. HAWDII B.C.C.	NEITHER	01/07/49 24/06/96 11/03/60	24/06/97 NOV '92	ACCT1 01/03/23	6500.00 01/06/02			

Attested,  
Yakabik Sutton  
Hawthorne

Original Application No.177 of 2001

Date of Order : This the 27th Day of 2002

HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Shri Pranab Bhowmick  
Section Officer  
in the Office of the  
Senior Divisional Accountant General,  
Nagaland, Kohima
2. All Assistant Accounts Officer/Section Officers  
(Group B) Association,  
Office of the Sr. Deputy Accountant General (A&E)  
Nagaland, Kohima.  
Represented by the General Secretary,  
Shri Dilip Kumar Dutta ... ... Applicants.

By Advocate Mr.B.K.Sharma, Mr.S.Sarma, Ms.U.Das

-Vs-

1. Union of India,  
Represented by the Comptroller and Auditor General,  
New Delhi.  
Accountant General (A&E)  
Assam Maiuamgaon  
Beltola, Guwahati-28.
3. Sr.Dy. Accountant General (A&E)  
Nagaland, Kohima. ... ... Respondents.

By Advocate Mr.A.Web Roy, Sr.C.G.S.C.

O R D E R.

K.K.SHARMA MEMBER(ADMN):

see para 23 rule 18  
ket

The relief claimed by the applicant in this Application is regarding formulation of fair transfer policy treating the present applicants at par with the other AAOs and SOs.

The 14(fourteen) applicants are working as Assistant Accounts Officer and Section Officers in the office of the Sr. Deputy Accountant General (A&E) Nagaland, Kohima. All of them are posted in Nagaland. The applicants claim that they have not been transferred out from Nagaland.

contd/-2

Attested  
Dilip Kumar Dutta  
Advocate

Several representations filed by the Union and individually, have been ignored. Similarly situated officers like the applicants are being posted to Nagaland only on promotion/ transfer and immediately thereafter they are posted back to their original place of posting according to their choice without touching the present applicants. The applicants stated that the respondents have treated them as a separate cadre/class so far it relates to transfer and posting. In spite of repeated requests to the Respondents to formulate a fair transfer policy applicable to the AAO and SOs serving in N.E. Region treating Nagaland to be tenure posting, however, the Respondents have created them as a separate cadre, though vacancies are existing outside Nagaland. All the AAOs and SOs have got their common seniority and recruitment rules and they are liable to be transferred anywhere within the N.E. Region. However, after the applicants were posted in Nagaland, they have never been transferred out from Nagaland. The other officers were being posted to Nagaland from other N.E. States for a period of 18 months and again they have been sent back to their original place of posting. There are 176 Assistant Accounts Officers and Section Officers belonging to the common cadre. Similar matter in O.A. No. 86 of 96 dated 21.8.96 regarding the posting of base cadre was adjudicated before this Tribunal. Nagaland is a hard station and there are various difficulties for the persons who are not originally belonging to the State of Nagaland. Admittedly applicants are non-residents of Nagaland. The authority should have considered the case of the applicants by framing a fair transfer policy for all AAOs and SOs for tenure posting in Nagaland. The

contd/-

Attested  
Malabika Datta  
Malabika Datta

AOs and SOs from other N.E. states were posted in Nagaland for the purpose of promotion. They reverted back to the old place of posting after 18 months.

2. Mr. S. Sarma learned counsel appearing on behalf of the applicant supported the averments made in this application. Mr. A. Deb Roy, Sr.C.G.S.C. relied on written statement and other materials. In the written statement it is stated that the grievance of the applicants is <sup>that</sup> at most of them want transfer to Guwahati only. Mr. S. Sarma argued that the request for the applicants have not been acceded to because of lack of vacancies at Guwahati. Some of the (A&E) offices are deficti offices and some of the surplus. There are less number of Section Officers Grade Examination (SOGE) passed officials to fill the sanctioned posts in the cadre of SOs/AAOs right from the beginning to some offices and there are more SOGE passed officials than the sanctioned strength in some other offices of the common cadre and they have to be posted in other offices as a result of the operation of the common cadre. The Comptroller & Auditor General of India has also suggested to post officials in the station as per their choice, as far as possible and to accommodate the officials/officers as far as practicable in the state from which they passed the examination. Officials (SOs/AAOs) who are posted after transfer generally continue for 18 months in the new place and thereafter transferred and posted to parent office. It is denied that in respect of transfer there is no fair policy. Rotation is done at the periodic interval of 18th months. The Respondents stated that the Transfer policy (Annexure 3 to the written statement) was formulated

contd/-

Attested  
Balabandhu  
Das

after consultation with the Unions. However, the office of the Sr.Dy.Accountant General Nagaland, Kohima, Imphal did not offer any comment. It is stated that the policy is clear and as far as practical and administratively convenient to the benefit of the officials of the common cadre. However, the fact remains that every representation may not get that favourable consideration. The common Graduation List in respect of the SOs/AAOs for NE Region shows the seniority of the officers and is also referred to while effecting transfer and posting. The effort is to effect the transfer and posting in such a manner that, with minimal disturbance the problem of surplus and deficit is managed. Roster for the entire North East Cadre is not administratively feasible. The applicants have failed to appreciate the problems the other officers like SOs/AAOs in Tripura face with a posting to Nagaland.

3. SEARCH After hearing the learned counsels for the parties I am of the view that the respondents have framed transfer policy for accommodating the officers at their choice station of posting. The transfers are being done as per instructions issued by the respondents. The officers posted to Nagaland, I have a feeling that they are being discriminated in the matter of transfer. The Respondents are directed to review the transfer policy in consultation with the Unions and take into account administrative exigencies and may consider if any changes are possible in the transfer policy. The transfer policy should be fair for all the officers of the N.E. Region and officers posted in Nagaland should be considered for posting to other states of North East.

*certified to be true Copy  
Guwahati Bench, Guwahati  
Guwahati High Court, Assam*

Guwahati Bench, Guwahati  
Subject to the mentioned above the application is  
disposed of, No order as to costs.

Sd/MEMBER (ADMN)

*Accepted  
M. Lalendu  
Sarkar*

प्राप्ति के लिए आवेदन की तारीख Date of application for the copy.	उपलब्ध करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	उपलब्ध करने तिथि Date of delivery of the requisite stamps and folios.	उपलब्ध करने तिथि Date on which the copy was ready for delivery.	उपलब्ध करने तिथि Date of making over the copy to the applicant.
18/1/03	4/2/2003	4/2/2003	4/2/2003	4/2/2003

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ANNEXRE - C

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from  
Civil Rule

No. 336 of 2003

Appellant

Petitioner

D.L.C. Assistant Accountants Officers/  
Section Officers (Group-B) Association  
Versus

Union of India and Ors.

Respondent

Opposite Party

Appellant  
For Petitioner  
Mr. S. R. SARKAR  
Mr. K. HAZARAKA

Respondent  
For  
Opposite Party  
C.G.S.

Notice by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4

Attested  
Habibullah  
Daw.

-And-

IN THE MATTER OF :-

(1) All Assistant Accounts Officer/Section Officers (Group-B)

Association-II, represented by the General Secretary Shri Dilip Kumar <sup>Dutta</sup> Office of the Sr. Deputy Accountant General (A & E), Nagaland, Kohima.

(2) Shri Dilip Kumar Dutta  
Assistant Accounts Officer.

Office of the Senior Deputy

*Dilip Kumar Dutta  
Assistant Accounts Officer  
Nagaland, Kohima*

-3-

Accountant General (A/E), Kohima,  
Nagaland.

Petitioners

-Versus-

1. Union of India.  
represented by the Comptroller  
and Auditor General, New Delhi.

2. Accountant General (A&E),  
Assam, Maidam Gaon, Beltola,  
Guwahati:- 28.

3. Senior Deputy Accountant  
General (A&E), Nagaland, Kohima.

Respondents

The humble petition of the peti-

*Attested  
Yakabidder  
D/o*

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

17.1.2003

BEFORE

THE HON'BLE MR. JUSTICE D. BISWAS

THE HON'BLE MR. JUSTICE AMITAVA ROY

Heard Mr. S.S. Goswami, learned counsel for the petitioners and also heard Mr. S. Bhattacharjee, Learned Additional C.G.S.C.

This petition has been directed against the Judgment and Order dated 27.2.2002 passed by the learned Central Administrative Tribunal, Guwahati in Original Application No. 177/2001.

The petitioners as applicants filed the aforesaid original application before the learned Tribunal seeking directions for introduction of roster in the matter of transfer and/or in the alternative to create a separate cadre for the Section Officers/Accounts Officers recruited and presently serving in the State of Nagaland. The learned Tribunal disposed of the application with the following direction :-

"3. After hearing the learned counsels for the parties I am of the view that the respondents have framed transfer policy for accommodating the officers at their choice station of posting. The transfers are being done as per instructions issued by the respondents. The officers posted to Nagaland, I have a feeling that they are being discriminated in the matter of transfer. The Respondents are directed to review the transfer policy.

Contd.....

Subroto  
Balabikash  
Sarkar

Number by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
<u>17.1.2003</u> (Contd...)			in consultation with the Unions and taken into account administrative exigencies and may consider if any changes are possible in the transfer policy. The transfer policy should be fair for all the officers of the N.E.Region and officers posted in Nagaland should be considered for posting to other states of North East.".
			It would appear that the learned Tribunal by the aforesaid direction has called upon the respondent authority to review the transfer policy taking into account the administrative exigencies and to pass appropriate orders as may be considered necessary in the interest of the administration.
			We do not find any scope to interfere with the aforesaid order at this stage. This Court is not in a position to grant any relief sought for by the writ petitioners as this have a direct bearing on the policy decision of the authority. Hence, we are not inclined to interfere with the judgment and order dated 27.2.2002 of the learned Tribunal.
			The writ petition accordingly stands disposed of with the observation that the direction given by the learned Tribunal shall be complied with by the respondents within a period of three months from
			Contd.....3

*Shashi Bhagat*  
*S. Bhagat*

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
<u>17.1.2003</u> (Contd.)			today. The writ petitioners, if still aggrieved, may approach the appropriate forum for redressal of their grievances.

Sub. A Roy

Sub. K. Basu

Judg -

Judg -

pt/no - 871

18/1/2003

CONFIRMED TO BE TRUE COPY  
K. Basu  
21st day of Feb. 2003

9/2/2003

Attested,  
K. Basu  
Adv.

1234

W.O. Admin/A&E/9-19/Vol. I/03-04/172  
Dated 10-06-03

To

The President  
All AAO's/ SO's (Group 'B') Association  
O/o the Sr. AAG(A&E),  
Nagaland, Kohima.

F.C.U.  
(P)

Sub: Review/Reconstruction of Transfer/Posting Policy

Sir,

With reference to the subject cited above, I am to furnish herewith a copy of existing Policy for Transfer/ Posting of Common cadre officers in the N.E. Region to give your views and suggestions on the matter.

Enclo: As stated above,

Yours faithfully

Ram  
03/06/03

✓ 4/6/03  
Sr. A.O. (Admin),

Attested,  
Balabikash  
D.S.

Admn/A&E/inv/74/4-6-03  
By Speed Post.

उपमहालेखाकार(प्र) 12/4

Annexure  
D (cont)

-39-

Mr. Thakur  
D. THAKUR

Dy. Accountant General (A)

महालेखाकार का कार्यालय (ले एवं ह)

Office of the Accountant General (A & E) Assam,

मैदामगांव, बेलतोला, गुवाहाटी-781029

Maidamgaon, Beltola, Guwahati-781029

D.O.No. DAG(A)/con-C/R&T/2003/11  
Dated 20/05/2003

22 MAY 2003

Dear Sir,

Kindly refer to your demi-official letter No. Admn.1/A&E/Vol.I/2003-04.128 dated 09.05.03 regarding forwarding of Transfer/Posting Policy for S.O./A.A.O. of the combined N.E. Cadre.

I enclose herewith a copy of existing Policy for Transfer/Posting of Common Cadre officers in the N.E. Region which is to be reviewed to consider if any changes are required in the transfer Policy.

As such, it is requested to give suggestions in this regard and forward the same to this office for further action.

An early reply is solicited.

Regards,

Yours sincerely,

Chakraborty

Shri Athikho Chalai  
Sr. Dy. Accountant General (A&E) Nagaland  
Kohima - 797 001

Attested  
Kolabidutta  
Sen

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.

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

1. As per Headquarters office letter No. 108-N.2/127-88 dt. 28.2.90 as far as possible the Section Officers Grade Examination passed staff of Accounts and Entitlement Offices in North Eastern Region on their promotion as Section Officers are to be posted in the Offices from which they passed the above examination.
2. As per Headquarters office letter No. 1334-NGE(APP)/104-95 dt. 01.10.96, the AAOs/Aos/Sr.Aos are to be posted to the office of their choice as far as possible. If however, it is not possible to post them to the office of their choice they are posted to other offices on rotation basis for a specific period.
3. The tenure of posting in the outstation deficit offices for the first and second time for Sos/AAOs is 18 months as per agreement held on 10-4-1974 between the Association and the Accountant General.
4. (a) On review the aforesaid policy, it is further decided that the tenure of posting for Sr. A.Os/A.Os in the outstation offices for the second time and above will be one year subject to the condition that the officers can avail of regular leave of 30 (thirty) days only. Leave availed in excess of 30 (thirty) days will be added to the tenure of 12 months.  
(b) The common cadre officers who have never served at outstation offices may be transferred, subject of course to item(2) above, first from the bottom of the seniority list of that office.  
(c) The officers who have already served once at outstation offices in their respective cadres and after being posted back to their base offices have remained in their base office for the longest period may be selected first in order of station seniority for posting to outstation offices in order to facilitate smooth repatriation of their colleagues.  
(d) When a batch of officer in a particular cadre rejoins their base office on the same day after completing 1<sup>st</sup>/ 2<sup>nd</sup> time transfer, the junior most officer from such a batch may be picked up for 2<sup>nd</sup>/3<sup>rd</sup> time transfer, if any.  
(e) Officers who are due to retire within two years may be exempted from the aforesaid transfer liabilities.  
(f) Posting of a particular Common Cadre Officer to an outstation Office may be kept in abeyance in case of unforeseen incidents like sudden accidents, demise of family members, serious illness or for urgent administrative reasons.

[Authority: A.G's order dt. 22.3.2000 at P/12<sup>N</sup> and P/34<sup>C</sup> of File No. DAG(A)/Con-C/Ghy/Policy/Transfer/90]

*Deputy Accountant General(Admn.)*

ALL ASSISTANT ACCOUNTS OFFICERS/SECTION OFFICERS  
(GROUP - B) ASSOCIATION - II  
OFFICE OF THE SR. DEPUTY ACCOUNTANT GENERAL (A&E)  
NAGALAND :: KOHIMA

(Recognised by the Comptroller & Auditor General of India, New Delhi)

# 0370-2225309 to 2225315 (EPABX)

Fax # 0370-2244788

Date: 07-08-2003

No: 00/Assn/GR.B(AAO/SO)/NL 2003-04/18

<p><u>PRESIDENT</u> Com. Arindam Kumar Das</p> <p><u>GENERAL SECRETARY</u> Com. Dilip Dutta</p> <p><u>TREASURER</u> Com. Dilip Ranjan Chakraborty</p> <p><u>EXECUTIVE MEMBER</u></p> <p>1. Com. Ashutosh Sarkar</p> <p>2. Com. Pranab Bhowmick</p>	<p>To.</p> <p>The Accountant General(A&amp;E) Nagaland, Kohima</p> <p>Sub : Suggestion regarding review of the existing transfer\posting policy in respect of common Cadre of Section Officer :Assistant Accounts Officer on North Eastern Region.</p> <p>Sir.</p> <p>With reference to Administration letter No. Admn/A&amp;e/9-19/Vil-1/03-04/172 dt10-01-03 and Accountant General's Assam letter No.DAG(A)/Con/OA.177/2001/4 dt.09-4-03 and D.O No. DAG(A)/Con-C/R&amp;T/2003/11 dt.20-05-03 regarding suggestion for review of the existing transfer/Posting policy as called for by the CCA (A.G. Assam) in the light of the hon'ble CAT verdict OA No.177/2001 dt.27-02-02 and the Hon'ble High Court, Guwahati verdict W.P(C)336 dated 17-01-03. I on behalf of this Association submit herewith the suggestion in the enclosed Annexure for onward transmission to the Cadre Controlling Authority, Assam Guwahati and to the Principal Director of Staff. Office of the Comptroller and Auditor General of India ,New Delhi for necessary action .</p> <p>It is therefore requested that the development in this context may kindly be communicated to this end.</p> <p>Enclo :- As stated Above.</p> <p style="text-align: right;">Yours faithfully,</p> <p style="text-align: right;">(Dilip Dutta)</p> <p>Advance copy for kind information only to :-</p> <ol style="list-style-type: none"><li>1. The Principal Director of Staff. O/o the Comptroller and Auditor General of India,10-Bahadur shah Zafar Marg, New Delhi-110002.</li><li>2. The Accountant General (A&amp;E) Maidan Gaon ,Beltala, Assam, Guwahati.</li><li>3. Shri A.B.Sen Secretary General All India Audit and Accounts Association,15/1089-90 Vasundhara, P.O:-Sahibabad:-201012</li></ol>
--	--

Yours faithfully,

(Dilip Dutta)

*Attested  
by  
Dilip Dutta  
A.O.S.*

**Suggestion for review the existing transfer/ posting policy as called for by the CCA [A.G,(A&E )Assam] in the light of the Hon'ble CAT Order OA No 177/2001 dated 27-2-2002 and the Hon'ble High Court Order W.P(C) 336 dated 17-1-03.**

The present policy of postings and transfers of Common cadre officers in the North-Eastern Region requires revision for the following reasons:

Serial No. 1 of the Policy is based on a HQrs decision which has arisen as a result of a reference by Accountant General Tripura. Though a copy of AG Tripura's letter is not available with us, it would be appreciated that the cadre problems of AG Tripura are entirely different from the problems of AG Nagaland. AG Tripura is surplus in its SOs/AAOs/AOs/SAOs cadre in that, there are many more officers who want to be posted in Tripura than there are vacancies. However, in AG Nagaland, almost all the officers wish to be posted outside Nagaland. Therefore, the present policy acts as a punishment for officers who have passed the SOGE from Nagaland. It is therefore requested that Serial No. 1 of the existing policy should state that Serial no.1 will not apply in the case of AG Nagaland, and officers from the cadre will be equitably rotated so that no officer shall serve in Nagaland for more than 3 years (as per enclosed Annexure)

Serial no.3 is also adverse to the interests of AG Nagaland. This is because, all the other stations in the cadre --Guwahati, Shillong, Agartala and Imphal ---have more persons wishing to be posted there than there are vacancies. They presumably, will not be treated as deficit offices. This is not the case with AG Nagaland, which is manned by officers who are unhappy at continuing in Nagaland. Consequently, Nagaland becomes the only "deficit" office.

It is respectfully suggested that terms like "Base Office", "Base cadre" and "outstation deficit offices" are not relevant in a Common Cadre.

In view of the above, our suggestions are as under:

1. All Staff belonging to the Common Cadre will have the same liability of transfer to all stations within the Cadre.
2. To the extent possible, and subject to administrative convenience, Staff will be posted according to their preference of Station.
3. For the above purpose, a list will be maintained by CCA ranking Officers as per their Station Seniority.
4. When vacancies arise in various Offices of the cadre, postings will be made as per the above list, with the Officer having the maximum station seniority posted to the Office having the vacancy and so on.
5. In the event an Officer is shifted out of his preferred Station of posting, his tenure outside his preferred station of posting should be not more than 3 years, especially in the case of posting to Nagaland.

*Attended  
Khalabandhu  
Adm.*

ANNEXURE -I

1 Sanctioned Strength of Section Officers Assistant Accounts Officers (SOs AAOs) in 7 Offices located in North Eastern Region.( As per gradation list dated 2002 ) enjoying the status of composite seniority in respect to further promotional benefits maintained by Cadre Controlling Authority(C.C.A)(i.e. Principal Accountant General(A&E),Guwahati , Assam)

2 Less: (i) Sanctioned strength of Accountant General(A&E), Imphal Office. (since that office by now, fully filled up with local persons, and inspite of hard posting station(as two offices at Kohima and Imphal were declared hard posting stations by Cadre Controlling Authority in consultation with the Office of the Comptroller and Auditor General of India) it is presumed that none of the SOs/AAOs would opted for transfer to other Offices.

Hence, sanctioned strength of Imphal office has been excluded from the assessment

(ii) No. of SOs,AAOs who have served and serving in Nagaland office for more than 3 (three) years

(iii) Maximum 3. SOs/AAOs each from 6 offices who may be retained by respective Administration, for administrative reason(s) (excluding Imphal Office)

(iv) Posting of maximum 3. Officers, each from 6 Offices may be kept in abeyance on the ground of genuine personal problem(s)

Therefore (i) + (ii) + (iii) + (iv) =

18

20

18

18

74

3 Total No. of SOs/AAOs available under C.C.A.(A&E) for transfer

103

4 Table :- Assessment showing sequence of posting/transfer of SOs/AAOs in composite seniority, maintained by Cadre Control Authority (A&E), Guwahati.

TABLE

Batch No	Group of 6 SOs/AAOs(As Gradation list from Bottom to top of Seniority)	Tenure(In years)	Cumulative Tenure(in Years)	Period of posting in Nagaland.(Presuming 1st Batch move on 1.8.2003)	
				From	To
1	103-6=97	3	3	1.8.2003	31.7.2006
2	97-6=91	3	6	1.8.2006	31.7.2009
3	91-6=85	3	9	1.8.2009	31.7.2012
4	85-6= 79	3	12	1.8.2012	31.7.2015
5	79-6=73	3	15	1.8.2015	31.7.2018
6	73-6=67	3	18	1.8.2018	31.7.2021
7	67-6=61	3	21	1.8.2021	31.7.2024
8	61-6=55	3	24	1.8.2024	31.7.2027
9	55-6 =49	3	27	1.8.2027	31.7.2030
10	49-6=43	3	30	1.8.2030	31.7.2033
11	43-6=37	3	33	1.8.2033	31.7.2036
12	37-6=31	3	36	1.8.2036	31.7.2039
13	31-6=25	3	39	1.8.2039	31.7.2042
14	25-6=19	3	42	1.8.2042	31.7.2045
15	19-6 13	3	45	1.8.2045	31.7.2048
16	13-6 07	3	48	1.8.2048	31.7.2051
17	07-6 01	3	51	1.8.2051	31.7.2054

*Mr. B. K. Halabidder  
D.S.O.  
D.S.O.*

From the above Table it should be crystal clear and confirmed that none of SO-AAO need to be posted Transferred to hard posting station viz.; Nagaland, for second time upto 2054.

(i) As all the (177) SOs AAOs are retiring between the year 2003 and 2025 (taking the present norm of superannuation, 60 years of age.)

(ii) Consequent upon promotion to Accounts Officers they will automatically come under A.O/Sr.A.O.cadre.

--000--

*Attended,  
Nagaland  
V.S.D.*

No. 20014/2/83/B.IV  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 14th Dec'83

OFFICE MEMORANDUM

Sub : **Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region- improvements thereof.**

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the State of Assam Meghalaya, Manipur, Nagaland and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Control Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows :-

1) Tenure of posting/deputation :-

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be

*Mr. Balbir Singh*

considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(II) Weightage for Central deputation/training abroad and Special mention in confidential Records.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX(XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX)

(III) Special (Duty) Allowance:

Central Government civilian employees who have all India Transfer Liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempted from payment of Income Tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any, special pay and pre-Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special pay/deputation (Duty) Allowance will not exceed Rs.400/- p.m. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

Sd/ S.C. MAHALIK  
Joint Secretary to the Government  
of India

*S. C. Mahalik  
Joint Secretary to the Government of India*

1 JUN 2001

IN THE GENERAL ADMINISTRATIVE TRIBUNAL  
GUJARATI BENCH: GUJARATI

UNAT  
Union of India & our  
through... - President  
Amrit Kumar Chaudhuri  
Ad. Com. Govt. Standing Council  
C. A. T. 395/55  
Guwahati

## IN THE GATTER OF :-

Q.A. №.08 of 2005

All Ass'tt. Account Officers/  
Section Officers Association &  
Shri Pijush Chakraborty

### ... Applicants

### **-VERSUS-**

Union of India & Ors.

... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF  
RESPONDENTS NO. 1 AND 2

I, Deepak Kumar Gazmer, Deputy Accountant General(A)  
Office of the Accountant General (A & E), Assam, Beltola, Guwahati 29  
do hereby solemnly affirm and say as follows :-

1. That I am the Deputy Accountant General (A), office of the Accountant General, (A & E) Assam, Reltola, Maidamgaon, Guwahati-781029 and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.

2. That with regard to the statements made in paragraph 1 of the application, the answering respondent 1 & 2 beg to state that the Common Cadre of the North Eastern Region in respect of the Section Officers/Asstt. Accounts Officers consists of the Office of the Accountant General (A&E), Assam, Guwahati, Office of the Accountant General (A&E), Meghalaya etc. Shillong, Office of the Sr. Deputy Accountant General (A&E), Nagaland, Imphal.)

Office of the Senior Deputy Accountant General (A&E) Manipur, Imphal and Office of the Senior Deputy Accountant General (A&E), Tripura, Agartala. The Office of the Sr. Dy. Accountant General (A&E) Nagaland, Kohima is treated as part of the common NE cadre for the purpose of transfer & posting of the Sos' AACOs. The transfer and posting of the officers from other Offices bears this out (Annexure-1). The requests/representation of the applicant No.1 and 2 as shown in some of the annexures to the D.A. No.08/2005 have not been acceded to because of lack of vacancies at Guwahati, for which the applicants had asked for, at that point of time. The practical operation of the common cadre has been premised on the fact that some of the (A&E) offices are deficit Offices and some are surplus. This means that there are less number of SCGE passed officials to fill the sanctioned posts in the cadre of Sos' AACOs right from the beginning in some offices and there are more SCGE passed officials than the sanctioned strength in some other offices. And as such, officials who have passed the SCG Examinations from other offices of the common cadre have to be posted in other offices as a result of the operation of the common cadre. Moreover, taking the administrative convenience into consideration, the Office of the Comptroller & Auditor General has also suggested to post officials in the station as per their choice, as far as possible to accommodate the officials/officers as far as possible, in the same office from which he/she has passed the SCG Examination. Combining these two aspects the transfer and posting is effected.

Any Officials (Sos' AACOs) who are posted after transfer generally continue for 12 months in the new place and thereafter transferred and posted to parent/other Office. As such, the statement that there is no 'transparent and fair policy in respect of the transfer and posting' is baseless. Rotation is also done at the periodic interval of 18 months, which is treated as tenure in respect of the posted Officials at Nagaland and other Offices.

3. That the respondents have no comments to the statements made in paragraph 2,3 & 4 and 4.1 to 4.3 of the application.

4. That with regard to the statements made in paragraph 4.4 of the application, the answering respondents No. 1 & 2 beg to state that there is a policy on the transfer & posting of the SOS/AAOs and also AOs/Sr. A.Os of the NE Common Cadre for the Accounts & Entitlement (A&E) Offices (Annexure-2) and that before such a policy was formulated and came into operation all the Accountants General (A&E) of the NE Region vide this office Demi-Official No.DAG(A) 'Con-C' Policy 'Transfer' 96/101-104, dtd. 8-9-1998 were consulted with a request to offer their comments and modifications (Annexure-3). Accordingly, the Policy was framed taking the response of those Offices, which replied into consideration. The Policy also takes into consideration the instructions of the Office of the Comptroller and Auditor General of India vide their No. 108-N.2/127-PG, dated 28-2-1990 and No. 1334-NGC(A&E) /104-95, dtd. 1-10-96 (Annexure-4A and 4B). The policy is transparent and fair and is operated as far as practical and administratively convenient to the benefit of the Officials of the common cadre and without prejudice to any one office and as such its operation may not be seen in isolated manner as the applicants seek to present.

5. That with regard to the statements made in paragraph 4.5, 4.6 and 4.7 of the application, the answering respondents No. 1 & 2 beg to state that the statement of the applicant that the SOS/AAOs of the Office of the Senior Deputy Accountant General (A&E) Kohima are not being transferred out to the other states of the common cadre, is not true. In fact, there are a number of AOs who have been transferred out from Nagaland and are presently working in other Offices like Guwahati and Shillong as shown at Annexure-1. Any representation for transfer and posting received

from the officers from other field offices of the NE Region is duly considered and acted upon as per the policy and administrative convenience. However, the fact remains that every representation may not get that favourable consideration which is expected by the individual officer(s) who may fail to see it from the administrative perspective.

6. That with regard to the statements made in paragraph 4.8 and 4.9 of the application, the answering respondents No. 1 & 2 beg to state that in the process, taking the interest of the entire cadre and administrative convenience into consideration transfer and posting is effected. As such, all representation and request are duly considered. As far as possible, without creating administrative instability in all the offices of the NE Region, the effort is to effect the transfer and posting as policy in such a manner that with minimal disturbance the problem of surplus and deficit is managed. Roster for the entire North East Cadre is not administratively feasible in as much as it will vitiate the principle of posting an officer in his station of choice and from where he/she passed the SOG Examination. As such, formulation of a roster for the purpose of staff rotation as suggested by the applicants may not apply. Further, it would create huge administrative problems as well as disturbance in all the offices. The applicants have failed to appreciate the problem in its holistic perspective and ignore the plight of other officers from the surplus offices like Tripura who go to Nagaland and are transferred back to Tripura only after the tenure of 18 months. In fact, the SO/AAO cadre officers of the Tripura Office, which is a surplus office, have also resented their posting to Nagaland at time (ANNEXURE-5). In this situation, if the Cadre Controlling Authority accord preference to individual officers of only Nagaland office, it would lead to huge disturbance and administrative instability in all the offices. As such rotational roster may not apply. In fact, the very premise of the common cadre is directed

to deal with the problem of surplus in some offices and deficit in others. And if this purpose is served without creating large number of disturbances, then the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati would appreciate the policy of the Cadre Controlling Authority.

7. That with regard to the statements made in paragraph 4.10 and 4.11 of the application, the answering respondents No.1 & 2 beg to state that the contention of the applicants that the Cadre Controlling Authority remained silent about the order of the Hon'ble Tribunal dated 27-2-2002 is not true. As soon as, the order from the Hon'ble Tribunal is received, the suggestions invited from the Accountants General (A&E) of the N.E. Zone Office including Nagaland office (Annexure-6). The Office of the Tripura and Manipur replied in time without any comments against existing transfer Policy. Meghalaya office has not yet replied inspite of reminder issued. It is presumed that they have no comments against existing policy.

8. That with regard to the statements made in paragraph 4.12, 4.13, 4.14 and 4.15 of the applications, the answering respondents No.1 & 2 beg to state that the existing Policy of transfer and posting is being re-framed in the light of the recent instructions received from their Headquarters office i.e. the Office of the Comptroller & Auditor General of India, New Delhi and that for framing such Policy all the Accountants General (A&E) of the N.E. Region have been requested vide this office D.O. letter No.AG(A) 'Com-C Policy' Trans '2005-06' 18-21, dtd, 6-5-05 to submit the options of Group-B officers working in their respective offices to enable this office to re - frame the existing Policy (Annexure-7) accordingly.

9. That with regard to the statements made in paragraph 4.16 and 4.17 of the application, the answering respondents No.1 & 2 beg to state that the Special Duty Allowances to the

Central Govt. Employees posted in N.E. States is regulated as per the instructions issued by Ministry of Finance, Govt. of India. The issue of grant of SDA to employees in N.E. States was considered by the Supreme Court in Union of India -Vs- S. Vijayakumar and the Court held that SDA is available only to employees having all India Transfer liability. A copy of the judgement is annexed.

10. That with regard to the statements made in paragraph 5.1 to 5.9 of the applications, the answering respondents No.1 & 2 beg to state that as stated in the above in this written statement.
11. That the respondents have no comments to the statements made in paragraph 6 and 7 of the applications.
12. That with regard to the statements made in paragraph 8.1 to 8.3 of the application, the answering respondents No.1 & 2 beg to state that the existing transfer and posting policy is fair and transparent and take the larger common interest of the combined cadre into consideration. Transfer and posting is affected with the aim of creating least administrative instability, as well as to minimise and mitigate human problems of the concerned officers.
13. That the respondents have no comments to the statements made in paragraph 8.4 and 9 to 12 of the application.
14. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

## VERIFICATION

I, Deepak Kumar Gazmer, presently working as Deputy Accountant General, Office of the Accountant General (A&E), Assam Maidamgaon, Seltola, Guwahati-781029 being authorised to hereby verify and declare that the statement made in this written statements in paragraph 1 are true to my knowledge. Those made in paragraph 2 - 13 being matter of records are true to my information and believe and I have not suppressed any material fact.

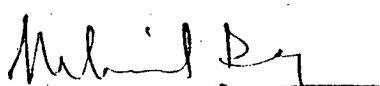
And I sign the verification on this 24<sup>th</sup> day of May 2005.

Deepak Kumar Gazmer,  
24/05/2005  
DEPARTMENT

Annexure - I

The following AAOs / SOs have transferred and posted from Nagaland and posted to other Offices.

Name of the Officer	Posted at
1. Shri. Tapash Chakraborty, AAO.....	AG (A&E), Assam, Guwahati
2. Shri. Subhash Ch. Dey, AAO.....	AG (A&E), Assam, Guwahati
3. Shri Kanan Behari Deb, AAO .....	AG (A&E), Assam, Guwahati
4. Shri Kamal Ch. Nag, AAO.....	AG (A&E), Assam, Guwahati
5. Shri Dipak Ch. Roy, AAO.....	AG (A&E), Assam, Guwahati
6. Shri D. Issac, AAO .....	AG (A&E), Meghalaya, Shillong
7. Shri. H. Tythul, AAO .....	AG (A&E), Meghalaya, Shillong
8. Shri Adhir Chakraborty, AAO .....	AG (A&E), Meghalaya, Shillong



Asstt. Accounts Officer (Confidential Cell)

O/O Accountant General (A&E), Assam, Guwahati

AG&E, O.O. AG, Assam

महाराष्ट्र विभाग, असम, गुवाहाटी, असम

Office of the Accountant General (A&E), Assam

महाराष्ट्र विभाग, असम, गुवाहाटी-28,

123

Attested  
By  
Addl. C. G. S. S.  
P. M. Chakraborty

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.

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

1. As per Headquarters office letter No. 108-N.2/127-88 dt. 28.2.90 as far as possible the Section Officers Grade Examination passed staff of Accounts and Entitlement Offices in North Eastern Region on their promotion as Section Officers are to be posted in the Offices from which they passed the above examination.
2. As per Headquarters office letter No. 1334-NGE(APP)/104-95 dt. 01.10.96, the AAOs/Aos/St.Aos are to be posted to the office of their choice as far as possible. If however, it is not possible to post them to the office of their choice they are posted to other offices on rotation basis for a specific period.
3. The tenure of posting in the outstation deficit offices for the first and second time for Sos/AAOs is 18 months as per agreement held on 10-4-1974 between the Association and the Accountant General.
4. (a) On review the aforesaid policy, it is further decided that the tenure of posting for Sr. A.Os/A.Os in the outstation offices for the second time and above will be one year subject to the condition that the officers can avail of regular leave of 30 (thirty) days only. Leave availed in excess of 30 (thirty) days will be added to the tenure of 12 months.  
(b) The common cadre officers who have never served at outstation offices may be transferred, subject of course to item(2) above, first from the bottom of the seniority list of that office.  
(c) The officers who have already served once at outstation offices in their respective cadres and after being posted back to their base offices have remained in their base office for the longest period may be selected first in order of station seniority for posting to outstation offices in order to facilitate smooth repatriation of their colleagues.  
(d) When a batch of officer in a particular cadre rejoins their base office on the same day after completing 1<sup>st</sup>/2<sup>nd</sup> time transfer, the junior most officer from such a batch may be picked up for 2<sup>nd</sup>/3<sup>rd</sup> time transfer, if any.  
(e) Officers who are due to retire within two years may be exempted from the aforesaid transfer liabilities.  
(f) Posting of a particular Common Cadre Officer to an outstation Office may be kept in abeyance in case of unforeseen incidents like sudden accidents, demise of family members, serious illness or for urgent administrative reasons.

[Authority: A.G's order dt. 22.3.2000 at P/12<sup>N</sup> and P/34<sup>C</sup> of File No. DAG(A)/Con-C/Ghy/Policy/Transfer/96].

X Shilpakshi Singh  
Deputy Accountant General(Admn).

Attested  
M. C. S.  
Addl. C. G. S. G.

Annexure - 3  
~~CONFIDENTIAL~~

Policy Note  
(Secty)

(83)

68

D.O.No.DAB(A)/Com-C/Policy/Transfer/196/101-104

Dated Guwahati, September 08, 1998.

08 SEP 1998

Dear

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

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

- (1) The officials passing S.O.R.Examination in N.E.Region will be posted in the Offices from which they passed the said Examination, as far as possible.
- (2) The tenure of posting in the outstation deficit offices for the first and second time for S.Os/AAOs will remain 18 months as per existing policy.
- (3) The tenure of posting for Sr.A.Os/A.Os in the outstation offices for the second time and above will be one year subject to the condition that the Officers can avail of regular leave of 30(thirty) days only. Leave availed in excess of thirty days will be added to the tenure of 12 months.
- (4) The common cadre officers who have never served at outstation offices may be transferred first from the bottom of the seniority list of that office on the line presently in vogue.
- (5) The officers who have already served once at outstation offices in their respective cadres and after being posted back to their base offices have remained in their base office for the longest period may be picked up first in order of seniority for posting to outstation offices in order to facilitate smooth repatriation of their colleagues.

1/2

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(27)

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(6) When a batch of officers in a particular cadre rejoins their base office on the same day after completing 1st/2nd time transfer, the juniormost officer from such a batch may be picked up for 2nd/3rd time transfer, if any.

(7) Officers who are due to retire within two years may be exempted from the aforesaid transfer liabilities.

(8) Posting of a particular common cadre officer to an outstation office may be kept in abeyance in case of unforeseen incidents, like sudden accidents, demise of family members, serious illness or for urgent administrative reasons.

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

Yours sincerely,

ofc JMS  
8/9

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

(2) A.C. Manipur

(3) A.C. Arunachal

(4) A.C. Nagaland

Attested  
Adu. G. G. S. E.

Serial No. 001101

108-N.2/127-88.1

12

Office of Comptroller and Auditor General of India,  
New Delhi - 110002  
OFFICE OF THE COMPTROLLER  
AND AUDITOR GENERAL OF INDIA,  
Ghat Ke Miyantak-Mahadevka  
Patikshak Ka Bawaliya, (A)  
NEW DELHI - 110002

Serial No.  
Date

28 FEB 1990

10

गणराज्य भारत के  
राज्यसभा-प्रतिनिधित्वकारी बोर्ड  
की सभा द्वारा दिया गया।  
All communications should be  
addressed to the Comptroller  
and Auditor General of India  
निम्नलिखित पत्रक  
Telegraphic address: ARGEI.

Annexure - H (A)

मान्यता  
इत्यतः

गारंड के नियंत्रक-ग्रामीणपरिवहन  
नं. दिल्ली-110002

THE COMPTROLLER AND AUDITOR GENERAL OF INDIA,  
NEW DELHI - 110002

मान्यता  
The

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

मान्यता  
Subject:

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

Sir,

I am directed to refer Shri S.K.Chakraborty,  
Accountant General(A&E), Tripura d.o. letter No. Estt/Restructt/  
1/93/1/1983/Vol.II/2665 dated 26.12.1989 addressed to you on the  
subject mentioned above and to request that as far as possible  
the Section Officer Grade/Examination passed staff of Accounts  
and Entitlement offices in North Eastern region on their promotion  
as Section Officers may be posted in the offices from which they  
passed the above examination?

Yours faithfully,

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

Attested  
R.N. Chakraborty  
Addl. G.G.S.O.

Mo/ Admin  
NAC

INR 1000 INR 1000 (ATP) / 104-95  
Dy. Asst (AO&L) / Adm / 26, dt. 8/10/96  
भारत के नियंत्रक-गहालेखा परीक्षक का कार्यालय  
OFFICE OF THE COMPTROLLER  
AND AUDITOR GENERAL OF INDIA

To

Annexure - 1(B)

दिनांक  
Date

8/10/96

- 13 - A

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

Subject: Posting of SOs/AAOs etc. in the offices of North  
Eastern Region.

Sir,

I am directed to refer to your Fax Msg. No.  
Admn.1/Policy/Transfer/96/1789 dated 6/9/96 on the subject  
mentioned above and to state that the policy of transfer  
followed by your office is not confirmed.

The AAOs/AOs/Sr.AOs may be posted to the office of  
their choice as far as possible. If however, it is not  
possible to post them to the office of their choice they may  
be posted to other offices on rotation basis for a specific  
period.

Yours faithfully,

*Meenakshi*

( MEENAKSHI SHARMA )  
ASSTT. COMPTROLLER &  
AUDITOR GENERAL (N)

08/10/96

Sof. M. Sh. (A)

C. C.

10, बहदुरशाह जाफर मार्ग, नई दिल्ली-110002  
10, Bahadurshah Zafar Marg, New Delhi-110002

Attested  
Addl. C. G. S. G.  
A. K. Choudhury

DY-DSNY (U/DO/6) M/31-1-011

प्र. नं: 4359  
PH: 4359

महानगरपाली (गोपालगंगा इकाई)

त्रिपुरा, आगरतला-799006

ACCOUNTANT GENERAL (A&E)  
TRIPURA, AGARTALA

गास: एकाउंट्स  
Telegram: ACCOUNTS

अ. स. एवं संस्था/D.O. No. ESTT(A&E)/3-11,  
/2000-2001/1470.

दिनांक/Dated, the 20/12/2000.

26 DEC 2000

J. C Sarkar  
Sr. Dy. Accountant General

Dear Shri. Singh,

Kindly refer to Admin. I order No. 220 dated 27<sup>th</sup> November, 2000 regarding transfer and posting of SO/AAO's.

In this connection, General Secretary Accounts Association (Category-II) of this office represented for ensuring uniform transfer policy, the contents of which summarized as under.

- (a) The Agartala office being an excess office in S.O/A.A.O cadre, members of this unit is bearing the transfer liabilities on rotation basis to other deficit offices in NER. It is a fact that Kohima Office like Agartala Office is an excess Office in S.O/A.A.O cadre as 5/6 members of S.O/A.A.O cadre passed SOGE from Kohima Office have been posted to Guwahati Office and retained there for long period which resulted in creation of artificial vacancies in Kohima office. As the Kohima Office is actually not a deficit office, S.O/AAO, members of Agartala Office cannot be involved in any way to fill up the artificial vacancies of Kohima Office. This Association demands to the Administration to impress upon the Cadre Controlling Authority to fill up the vacancies of Kohima Office by maintaining a roster of transfer among the members of S.O/A.A.O who passed SOGE from Kohima office. Recently cadre controlling authority i.e. Accountant General(A&E) Assam, Guwahati had issued an order effecting transfer and posting of 6(Six) S.O/A.A.O members wherein one of their member Shri Swapan Kr. Nath A.A.O has been transferred to Kohima Office vice Shri Amit Chakraborty, S.O. transferred to Agartala which is an injustice towards the member of this unit as Kohima Office is not a deficit Office at all.
- (b) The Association has also urged upon the local Accountant General to impress upon the Cadre Controlling Authority to modify the above mentioned order in the line pointed out above and to arrange for immediate release of Shri Amit Chakraborty, S.O from Kohima Office. At the same time the Association urges upon for the formulation of a specific transfer policy for S.O/A.A.O. cadre of NER on priority basis in consultation with all Association of North Eastern Region.
- (c) The General Secretary of the said Association has stated that if the Administration fails to provide justice in the instant case, the Association will resist the injustice through their organizational action.

The above position is brought to your notice for necessary action.

This issues with the approval of Accountant General.

*Subir Singh*  
Yours sincerely

Shri L.S Singh,  
Dy. Accountant General(Admin).  
Office of the Accountant General (A&E).  
Assam, Guwahati.

*Attested*  
*Subir Singh*  
Addl. C.G.S.C.

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; and

অসম প্রাকার ( সে এ এ এ ) অসম কা কায়েলয়  
Office of the Accountant General (A&E) Assam  
মৈদামগাঁও, বেলতোলা, গুৱাহাটী - ৭৮১০২৯  
Maidamgaon, Beltola, Guwahati - 781 029

No. DAG (A) / Con-c/ OA. 177 /2001/48-S1  
Dated 8<sup>th</sup> August 2002

To

**The Accountants General (A&E),  
Manipur, Meghalaya etc., Nagaland & Tripura  
At Imphal, Shillong, Kohima & Agartala**

**Subject: Inviting suggestions from the SO / AAO Associations of  
the NE Cadre for reconsideration of Transfer and Posting Policy  
as per the Honb'le CAT, Guwahati order in the OA No. 177/2001**

Sir,

In inviting a reference to the above subject and the Honb'le CAT, Guwahati Bench, Guwahati order dated 27<sup>th</sup> February 2002 in the OA No. 177 of 2001, I am directed to state that as per the Honb'le CAT's order in the instant case, the existing Transfer and Posting Policy in respect of the SO & AAO cadres is to be reviewed to consider if any changes are possible in the transfer policy.

As such, you are requested to give your suggestions in this regard and forward them to this office for further action.

An early reply is solicited.

This issues with approval of the Accountant General.

Yours' faithfully

*Habba*

Dy. Accountant General (Admn & VLC)

*AK Chakraborty*  
Attested  
Addl. C.G.S.G.

Annexure - 7

(10)

16/05

D.O. No. AG(A&E)/Con-C/Policy/Transfer/2005-06/ 18-21  
Dated Guwahati the 6<sup>th</sup> of May, 2005.

Dear

2/2005

I would like to inform you that as per recent instructions of Headquarters office dated 20-04-05, Transfer Policy for Posting of Common Cadre Officers from Section Officers to Sr. Accounts Officers in North Eastern Region is to be re-framed till the Cadre separation of Group 'B' Officers is finalised.

In this connection, you are kindly requested to collect the information from all the Officers of Common Cadre of your Office regarding options for choice of postings in various Accountants General Offices in North Eastern Region. The options may please be collected in the enclosed prescribed Proforma so as to reach to this Office before ~~31-5-05~~ 10-06-2005.

Yours sincerely,

Wb/Gs

(i) Sri A.W.K. Langstieh, IA&AS,  
Accountant General,  
O/o the A.G. (Audit) Nagaland,  
Kohima: 797 001.

✓/C

(2) Shri A.W.K. Langstieh  
A.G.  
O/o the A.G. (Audit), Nagaland, Kohima - 797 001

Shri R. Chouhan  
A.G.  
O/o the A.G. (Audit), Tripura  
Agartala - 799 - 006

✓/C

(4) Shri P.K. Kataria  
A.G.  
O/o the A.G. (Audit), Manipur  
Imphal 795 - 001.

Attested  
M. Choudhury  
C.G.S.O.

Annexure 8

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13. Having gone through the material placed before us we are unable to accept the contentions raised by Respondent 1 relying upon the final report, firstly, because, the misconducts and for that matter, the allegations on which they are based, are not confined to only acquisition of assets disproportionate to the known source of income. Secondly, the final report submitted by the CBI recommending discharge of Respondent 1 on the ground of non-availability of sufficient evidence has to be considered in the context of the standard of proof for a successful prosecution vis-à-vis a departmental enquiry. While in the former onus is one of beyond all reasonable doubt in the latter it is one of probability. Another reason which impels us to reject the contention of Respondent 1 is that the enquiry has proceeded to some length in that six witnesses have already been examined.

14. Coming now to the impugned orders we find that one of the reasons which weighed with the learned Single Judge in making the same was that Respondent 1 was suspended since the date the charge-sheet was issued, but that is admittedly incorrect. We are also of the view that considering the seriousness of the charge, the time allowed by the appellant for the delay in concluding the enquiry which cannot be said to be unsatisfactory and the fact that the enquiry has proceeded to some length the High Court ought not to have rejected the reasonable prayer of the appellant for extension of time.

15. We, therefore, allow this appeal, set aside the impugned orders of the High Court so far as they refused to grant time to the appellant to complete the enquiry and direct the appellant to conclude the enquiry as expeditiously as possible, preferably within a period of six months. There will, however, be no order as to costs.

(1994) 28 Administrative Tribunals Cases 598

Supreme Court of India

(BEFORE KULDIP SINGH AND B.L. HANSARIA, JJ.)

UNION OF INDIA AND OTHERS

Appellants;

*Versus*

S. VIJAYAKUMAR AND OTHERS

Respondents.

Civil Appeal No. 3251 of 1993 with Civil Appeal Nos. 6163-81 of 1994<sup>†</sup>,  
decided on September 20, 1994

Allowances — Special duty allowance payable to Central Government employees appointed to posts of All India Transfer Liability in North-Eastern Region — Held, not payable to employees who were residents of that region — Subject of 1983 OM, not decisive of the question — Further held, denial of the allowance to such employees, did not violate Art. 14 — OMs dated 14-12-1983, 29-10-1986 and 20-4-1987 — Constitution of India, Arts. 14 and 16 — Pay — Equal pay for equal work

*Held:*

A close perusal of the Office Memoranda dated 14-12-1983, 20-4-1987 and 29-10-1986 clearly show that allowance question was meant to attract persons outside

<sup>†</sup> From the Judgment and Order dated 29-1-1992 and 9-6-1992 of the Central Administrative Tribunal, Ernakulam Bench in RA No. 71 of 1992

1994]

the North-Eastern Region terrain. Even the 1983 OM felt for "attracting and retaining" the North-Eastern Region incumbents going to the states taking leave and, therefore, excluded while counting the years to claim the allowances. The 1986 memorandum made employees who have been posted to any station in doubt by the 1987 memorandum merely because of the liability.

The contention that the equal pay doctrine and the Supreme Court's decision in *Reserve Bank of India (Lokay) vs. U.P. Govt.* (1993) 11

Appeals allowed

Advocates who appeared K.T.S. Tulsi, Additional

Senior Advocates Qadri, S.N. Tendulkar appearing parties. Respondent in person

The Judgment of

HANSARIA, J. — leave petitions (w)

e special duty allowance they are residents they were appointed answered the question Union of India.

2. The Tribunals

f dated 14-12-1983, civilian employees Territories of the North-Eastern Region allowance shall be "Liability". The memorandum, if the memorandum date required to be paid in the Region carrying residents of this, the allowance would be appointment order transferred any

g 9 3. Dr Ghosh memorandum of

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the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. Even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North-Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent. The 1986 memorandum makes this position clear by stating that Central Government civilian

- a employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North-Eastern Region". This aspect is made clear beyond doubt by the 1987 memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability.

The contention that the denial of the allowance to the residents would violate the equal pay doctrine and Articles 14 and 16 of the Constitution is rejected by the Supreme Court's decision in *R v. Reserve Bank of India*. (Para 4)

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The Court held in *R v. Reserve Bank of India* that the denial of the allowance to the residents of the North-Eastern Region did not violate the equal pay doctrine and Articles 14 and 16 of the Constitution.

Appeals allowed

REVIEWED S.L.A.

Advocates appeared in this case

- d K.T.S. T. and Additional Solicitor General, Mr. Malajam, N.N. Goswami and Dr. Shashi Ghosh, Senior Advocates (C.V.S. Rao, Ms A. Sudhakar, Ms Sushma Suri, Ms Binu Tania, Waseem A. Qadri, S.M. Terdal, P. Narasimhan, S.K. Nandy and D.S. Mahra, Advocates, with them for the appearing parties.

Respondent in person in CA No. 3251 of 1993.

The Judgment of the Court was delivered by

HANSARIA, J.— The point for determination in this appeal and in the special leave petitions (which have our leave) is whether the respondents are entitled to special duty allowance (hereinafter referred to as "the allowance"), even though they are residents of North-Eastern Region merely because of the posts to which they were appointed were of "All India Transfer Liability". The Tribunal has answered the question in affirmative. These appeals have been preferred by the Union of India.

2. The Tribunal took the aforesaid view because the Office Memorandum dated 14-12-1983 which is on the subject of "Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North-Eastern Region — improvement thereof" had stated that allowance shall be payable if the posts be those which have "All India Transfer Liability". The stand of the Union of India, however, is that this office memorandum, if it is read along with what was stated subsequently in office memorandum dated 20-4-1987, it would become clear that the allowance was required to be paid to those incumbents who had been posted in North-Eastern Region carrying the aforesaid service condition and not to those who were residents of this region. The office memorandum of 1987 has clearly stated that the allowance would not become payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India.

3. Dr Ghosh appearing for the respondents contends that the office memorandum of 1983 having not stated what is contained in the memorandum

of 1987, a rider cannot be added to the form payable only to those who had been given posting and not to those who were residents of this Region. It is also contended that denial of the allowance to the residents, while permitting the same to the non-residents, would be violative of doctrine of equal pay for equal work and as such of Articles 14 and 16 of the Constitution.

4. We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri Tulsi for two reasons. The first is that a close perusal of the two aforesaid memoranda, along with what was stated in the memorandum dated 29-10-1986 which has been quoted in the memorandum of 20-4-1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North-Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent. The 1986 memorandum makes this position clear by stating that Central Government civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North-Eastern Region". This aspect is made clear beyond doubt by the 1987 memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability. Merely because in the office memoranda of 1983 the subject was mentioned as quoted above is not enough to concede to the submission of Dr Ghosh.

5. The submission of Dr Ghosh that the denial of the allowance to the residents would violate the equal pay doctrine is adequately met by what was held in *Reserve Bank of India v. Reserve Bank of India Staff Officers' Assn.*<sup>1</sup>, to which our attention has been invited by the learned Additional Solicitor General, in which grant of special compensatory allowance or remote locality allowance only to the officers transferred from outside to Gauhati Unit of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of Article 14 of the Constitution.

6. In view of the above, we hold that the respondents were not entitled to the allowance and the impugned judgments of the Tribunal are, therefore, set aside. Even so, in view of the fair stand taken by the Additional Solicitor General we state that whatever amount has been paid to the respondents, or for that matter to other similarly situated employees, would not be recovered from them insofar as the allowance is concerned.

7. The appeals are allowed accordingly. There will be no order as to costs.