

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓ O.A/T.A No. 297/2007

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet.....O.A.....Pg.....7.....to.....4.....
2. Judgment/Order dtd6.1.2008.....Pg.....1.....to.....6.....*Ac 3000*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....297/2007.....Pg.....1.....to.....25.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....1.....to.....4.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....1.....to.....11.....
9. Reply.....Rejoinder.....Pg.....1.....to.....3.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

*Kabili*  
20.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. 297/07

2. Miss Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(s) ... Prasanta Ranjan Biswas vs Union of India & Ors

Advocate for the Applicants. Mr. S. Sarma, Mrs. B. Deka  
... H. K. Das .....

Advocate for the Respondent(s) ... S. C. S. G. Baishya .....

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. P. for Rs. 50/- and posted vide JPC/DB No. <u>346/654809</u>	29.11.2007	Heard Mr. S. Sarma, learned counsel for the Applicant. Mr. G. Baishya, learned Sr. C.G.S.C. represented the Respondents.
Dated <u>21.11.07</u>		The Applicant, while holding the post of Deputy Controller of Defence Accounts in the office of the Controller of Defence Accounts, Guwahati, was transferred to CDA, Patna vide transfer order dated 02.11.2007. Applicant submitted his representation against his transfer order dated 02.11.2007 which was rejected by the Respondents vide its order dated 26.11.2007. Hence this application.
Petition on's behalf issue notice one received with envelop copy served	<u>28/11/07</u>	Learned counsel for the Applicant has drawn my attention to the Rule 373 of the Defence Accounts Department Office Manual Part-I which says that a person above 54 years of age will not normally be subjected to transfer. The Applicant claimed that he has been transferred out
Received copy for applicant Hridip K. Deka Advocate	<u>29.11.07</u>	Contd....

Contd  
29.11.2007

Notice & order sent to  
D/Section for issuing  
to respondents nos.

1 to 4 day regd.  
A/D post.

*Cl*  
3/12/07 D/No-1676 to  
DL-1679  
3/12/07

Notice duly served  
on R-3, 1

*Cl*  
18/12/07

W/S not filed.

/bb/

*200*  
17.1.08

18.01.2008

Written statement is filed in Court today,  
after serving a copy on Mr.K.Das, learned  
counsel appearing for the Applicant.

21-1-2008

Mr.H.K.Das seeks a short adjournment to  
obtain instruction from the Applicant/ to file a  
rejoinder from the Applicant. He further seeks  
adjournment till 22.01.2008.

Call this matter on 22.01.2008 for final  
disposal of this case. Interim order allowing the  
Applicant to continue at Guwahati office shall  
remain in force till 22.01.2008.

*JR*  
(Khushiram)  
Member (A)

/bb/

*Y*  
(M.R.Mohanty)  
Vice-Chairman

22.01.2008

Heard Mr S. Sarma, learned Counsel appearing for the Applicant and Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, in part.

DL. 22.1.08.

P1. comby

Khushiram

Call this matter on 29.01.2008. The interim order, which was till today, will continue till 29.01.2008.

23.1.08

Reply to the Reply filed by the Applicant.  
Copy served.

nkm

Khushiram  
(Khushiram)  
Member (A)

M.R. Mohanty  
(M.R. Mohanty)  
Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

Original Application No.327 of 2006.

Date of Order : This the 22th Day of January, 2008.

**THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN**

**THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER**

1. Sri S

29.01.2008

Heard Mr. S.Sarma, learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr. Standing counsel and appearing for the Respondents.

Hearing concluded. Order reserved.

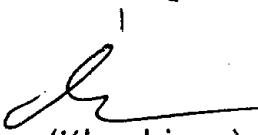
  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

pg

01.02.2008

Judgment pronounced in open Court. Kept in separate sheets.  
Application is dismissed.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

Lm

-----Page Break-----

4.2.08  
Received copy of the  
Judgment by the  
Advocate for applicant  
4.2.08  
Advocate for applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 297/2007

DATE OF DECISION : 01-02-2008

Sri Prasanta Ranjan Biswas

.....Applicant/s

Mr S. Sarma, H. K. Das

.....Advocate for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

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

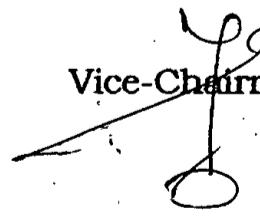
.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No

  
Vice-Chairman/Mamber(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 297/2007.

Date of Order : This the 1st Day of February, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Prasanta Ranjan Biswas

S/o Late R.R. Biswas

Presently residing at Patharkuchi Road,  
Nabodaya Nagar, House No.17, Basistha,  
Guwahati-29.

.....Applicant

By Advocate Shri S.Sarma, H.K.Das.

Versus -

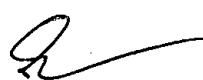
1. Union of India represented by  
the Secretary to the Govt. of India,  
Ministry of Defence, South Block,  
New Delhi-1.
2. The Controller General of Defence Accounts,  
West Block-V. R.K.Puram, New Delhi-110066.
3. The Controller of Defence Accounts,  
Udayan Bihar, Narengi,  
Guwahati - 781171.
4. Sri G.C.Dutta,  
Assistant Controller of Defence Accounts,  
Controller of Defence Accounts,  
Udayan Bihar, Narengi,  
Guwahati - 781171. ....Respondents

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

ORDER

KHUSHIRAM (MEMBER-A)

The Applicant, presently posted as Deputy Controller of  
Defence Accounts in the office of the Controller of Defence Accounts at



Guwahati, has been transferred as PAO (ORs) PRC, Ramgarh (under Controller of Defence Accounts, Patna) vide order dated 02.11.2007. He had filed representation against the said transfer order stating that he has been in CDA Guwahati since May 2005 and that he will be retiring on 30.09.2009. He has daughter of marriageable age and has some personal problems. His representation was considered by the Respondents but the same could not be acceded to and was rejected on 26.11.2007. The rejection letter issued by the Respondents also desired to know as to whether the Applicant would like his wife (who is also working in CDA, Guwahati) to be transferred to a close by station under CDA/Patna. Aggrieved by this decision, he has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 reiterating the personal problems and the fact that he will be retiring in next two years.

2. The Respondents have filed written statement stating that the fresh recruitments of employees/Officers in the organization is not commensurate with the superannuation. Keeping in view the existing depleted strength of the establishment in the Defence Accounts Department and the commitment of the Respondents to the Armed Forces, the Respondents do post the employees rationally as per request of the employees as well as on administrative contingencies. While posting the employees, the interest of the Armed Forces has to be kept above the individual interest. It has also been stated that "normally the Court has no jurisdiction to interfere with the order of transfer" and even High Court is "not justified in extending its



a

jurisdiction under Article 226 of the Constitution of India in a matter where, on the face of it, no injustice was caused." In the Written statement they have cited the case of Abani Kanta Ray vs. State of Orissa (reported in 4 (Supp.) SCC 169/1996 Lab IC 982), wherein it was held that "it is settled law that a transfer which is an incident of service is not be interfered with by the Courts unless it is shown to be clearly arbitrary or vitiated by mala fides or infraction of any professed norm or principle governing the transfer." Besides other citations it has been reiterated that transfer is a part of the service conditions of an employee which should not be interfered with ordinarily by a court of law (High Court in exercise of its discretionary jurisdiction under Article 226) unless the Court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities who issued the orders were not competent to pass the orders. It has also been stated that the Applicant has completed 2 years 6 months at Guwahati as on 19.11.2007 and he was transferred on administrative ground in the interest of public service. The contentions regarding the case of another Assistant Controller, it has been stated that Shri G.C.Dutta, Assistant Controller of Defence Accounts has been in Guwahati since 19.05.2005. The Respondents have taken care by asking the Applicant whether he would like to transfer his wife to a nearby place of his posting to minimize the problem that he is likely to face. It has been stated that "it is not always possible to accede to the request of the Applicant." The Applicant was appointed as temporary UDC on 31.03.1971 and was posted to Silchar, the nearest office



10

available from his home town. Since his recruitment, the Applicant has remained in the North East Region including Bhutan. Only except for a period of over nine months, the Applicant has been allowed to remain in North East Region throughout his career; which includes 12 years 4 months stay at Guwahati in three spells, though the Applicant is having all India transfer liability. On his promotion from Accounts Officer to Assistant Controller of Defence Accounts the Applicant is senior most amongst the time scale officers posted at Guwahati.

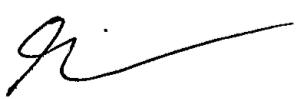
3. Heard Mr S.Sarma, learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr. standing counsel for the Respondents.

Mr Sarma, learned counsel appearing for the Applicant reiterated the contentions raised in the Original Application and cited the 407 Swamy's CL Digest 1996/2 decided by the Central Administrative Tribunal, Patna Bench in O.A.No.311/1995 on 18.07.1996, (L.S.B.P Verma vs. Union of India & Ors.), wherein it was held "when the rule specifically states that persons above 54 years will not generally be transferred, it has to be observed, in spite of the fact it is a guideline, as other provisions in the Manual have statutory provision." The other citations submitted by the learned counsel is Virender S. Hooda and others vs. State of Haryana & another, reported in (1999) 3 SCC 696. The facts of this citation are different from the instant O.A. though regarding policy decision it was held 'is binding, if not, contrary to the rules.



Mr G.Baishya, learned Sr.Standing counsel appearing for the Respondents submitted that the Applicant has already spent a large part of his service in North East Region. He also reiterated that guidelines regarding not to transfer persons above 54 years is not statutory in nature and it is only a guideline and this cannot be implemented at the cost of the public service. He also cited the case of Kalyan Kr. Sarkar vs. Alok Kanti Paul Choudhury & Ors, reported in 2006 (3) GLT 624, regarding transfer matters, wherein it was held that "Office memorandum being merely guidelines, are not enforceable in law and no right can be claimed on such guidelines" and "merely because the minister of another department is approached by any person, who in turn may have requested the minister of the concerned department to look into the matter, that ipso facto will not constitute malafide, as the minister is the peoples' representative. He also cited the Apex Court decision in the case of S.C.Saxena vs. Union of India & others, reported in (2006) 9 SCC 583, wherein it was held that "a Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed."

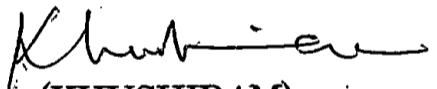
4. We have considered the rival contentions of learned counsels of both the parties and perused the materials placed on record. We are of the opinion that the guidelines regarding not to transfer a



✓

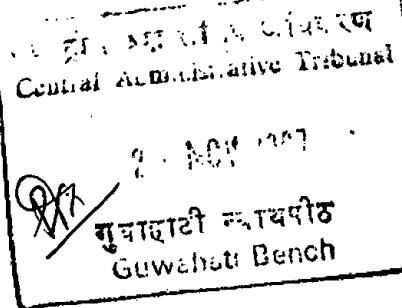
Government servant above the age of 54 years is not statutory in nature. It is only a guideline. No employee can stay in a particular station of his choice to the detriment of exigencies of public service/<sup>the judgement of which</sup> the employer can make. The Applicant has largely been posted to the N.E. Region throughout his service career and <sup>was almost</sup> never posted out of this region and his present posting to Ramgarh (Patna) is not very far from N.E. Region, which cannot be questioned. The Respondents also very considerably asked the Applicant whether he is willing to get transfer of his wife to a nearby place of his new place of posting. No mala fide has been made out by the Applicant against the Respondents.

5. Therefore, there is absolutely no merit in this application, which deserves to be dismissed. The Original Application is, as a consequence, hereby dismissed without any order as to costs.

  
 (KHUSHIRAM)  
 ADMINISTRATIVE MEMBER

  
 (MANORANJAN MOHANTY)  
 VICE CHAIRMAN  
 6/10/08

/pg/



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : O.A. No. 297 of 2007

BETWEEN

Sri Prasanta Ranjan Biswas ..... Applicant

AND

Union of India & ors ..... Respondents

S Y N O P S I S

The applicant is presently holding the post of Deputy Controller of Defence Accounts and posted at the office of the Controller of Defence Accounts, Guwahati. The applicant in his service tenure served in all the hard stations in the North Eastern Region (NER) but his case of choice place of posting is yet to be considered by the respondents. The applicant who is 58 years of age and standing at the fag end of his service career and also suffering from Chronic Bronchial Asthma expressed his unwillingness to join in the transferred place of posting by submitting a representation. The representation filed by the applicant for his retention in his present/choice place of posting has been rejected by a cryptic and non speaking order dated 26.11.2007. The applicant in such a situation has come under the protective hands of the Hon'ble Tribunal seeking redressal of his grievances.

Hence, this application.



26 NOV 2007

गुवाहाटी न्यायालय  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

Title of the case : O.A. No. 297 of 2007

Between

Shri Prasanta Ranjan Biswas ..... Applicant.

AND

Union of India & ors ..... Respondents.

LIST OF DATES

(1) 02.11.2007---- Copy of the transfer order (Annexure-1)

(2) 06.11.2007---- Copy of the representation (Annexure-2)

(3) 26.11.2007---- Impugned order refusing to accede to  
the prayer of retention (Annexure-3)

(4) 26.11.2007---- Impugned order to relieve duties w.e.f.  
30.11.2007 (Annexure-4).

(5) \*\*\*\* ---- Copied of Medical prescription dated  
20.10.07 etc. (Annexure-5 Colly).

\*\*\*\*\*

25 NOV 2007

গুৱাহাটী নথ্যপোঁচ  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : O.A. No. 297 of 2007

BETWEEN

Sri Prasanta Ranjan Biswas ..... Applicant

AND

Union of India & ors ..... Respondents

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 13
2.	Verification	14
3.	Annexure-1	15 — 18
4.	Annexure-2	19 — 20
5.	Annexure-3	21
6.	Annexure-4	22
7.	Annexure-5 (Copy)	23 — 25

\*\*\*\*\*

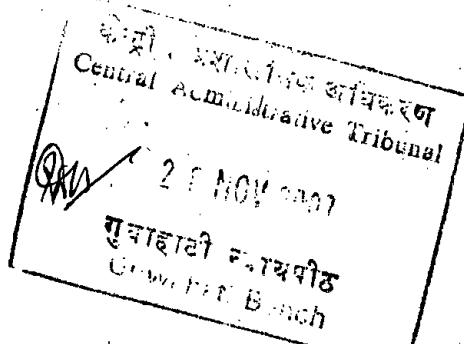
Filed by : Shan

Regn. No. :

File : D:\private\Prasanta

Date : 28.11.07





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

Filed by: \_\_\_\_\_  
The Applicant  
through  
Himadri Kr. Das  
Advocate  
28/11/07

D.A. No. 297 of 2007

BETWEEN

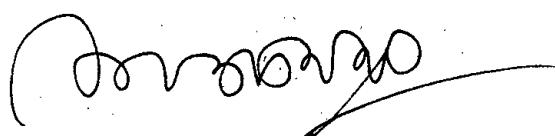
Sri Prasanta Ranjan Biswas,  
s/o Late R.R. Biswas.  
Presently residing at Patharkuchi Road,  
Nobodoy Nagar, House No.17, Basistha,  
Guwahati-29.

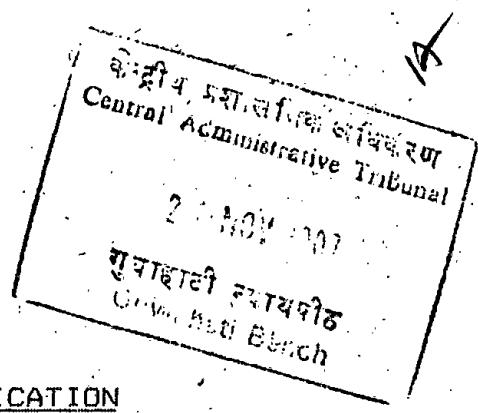
..... Applicant

- AND -

1. Union of India represented by  
the Secretary to the Govt. of India  
Ministry of Defence, South Block,  
New Delhi-110011
2. The Controller General of Defence Accounts  
West Block-V, R.K. Puram, New Delhi- 110066.
3. The Controller of Defence Accounts,  
Udayan Bihar, Narengi,  
Guwahati- 781171.
4. Sri G.C. Dutta  
Assistant Controller of Defence Accounts,  
Controller of Defence Accounts,  
Udayan Bihar, Narengi,  
Guwahati- 781171

..... Respondents





#### DETAILS OF THE APPLICATION

##### 1. THE PARTICULARS AGAINST WHICH THIS APPLICATION IS MADE:

The applicant in this present Original Application is aggrieved by the impugned order dated 26.11.07 by which his prayer for modification/alteration of the order of transfer dated 2.11.2007 has been rejected. The applicant through this application has also assailed the legality and validity of order of transfer dated 2.11.2007, along with the consequential order of relieve dated 26.11.07.

##### 2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

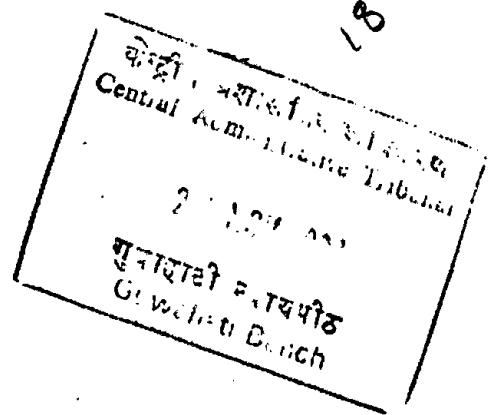
##### 3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

##### 4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India as such he is entitled to the rights, protections and privileges as guaranteed under the constitution of India and laws framed thereunder.

2

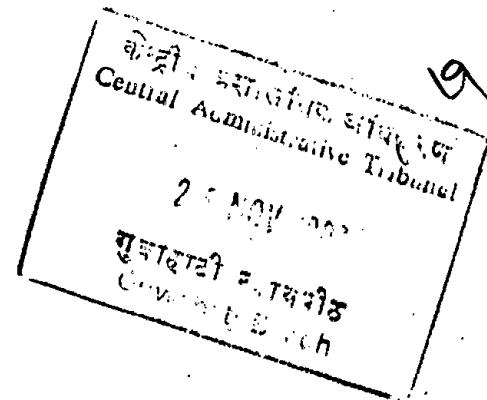


4.2. That the applicant is presently holding the post of Deputy Controller of Defence Accounts and posted at the office of the Controller of Defence Accounts, Guwahati. The applicant before parting to the issue directly, begs to place the brief particulars of his service career.

On 31.3.1971 the applicant entered into the services of the Defence Accounts Department which was followed by his promotion on 8.11.1994 as Accounts Officer. By dint of his sincere, dedicated and outstanding satisfactory service the respondents on 15.12.2003 promoted him to the rank of Indian Defence Accounts Service.

Since the service particulars of the applicant are not in dispute, the applicant craves leave of this Hon'ble Court to place on record the relevant documents at the time of hearing of the case.

4.3. That the applicant begs to state that he is a permanent resident of Hailakandi (Assam) and during his service tenure he had occasions to serve all most all the hard stations located at North Eastern Region (NER). It will not be out of place to mention here that during his extensive sincere service career he obeyed/ carried out all such orders of transfer ignoring the difficulties and hurdles prevailing at that point of time. The applicant also had occasion to serve for about an year in Bhutan (Dantak).



For better appreciation of the factual aspect of the matter the applicant begs to place a tabular chart showing various spells of his service career as under:

<u>POST HELD</u>	<u>OFFICE/STATION</u>	<u>FROM</u>	<u>TO</u>
Auditor	UAGE Silchar	31.3.71	30.6.72
Auditor	UA BSO Silchar	1.7.72	20.11.72
Auditor	LAO 222 ABOD	21.11.72	25.2.74
Auditor	UA GE Borjar	4.3.74	16.4.77
Auditor	LAO 222 ABOD	25.4.77	30.11.77
Auditor	AO(P) Dantak	6.12.77	11.9.78
Auditor	SLA FSD Missamari	15.9.78	16.5.80
Auditor	UA GE Missamari	16.5.80	10.4.82
Auditor	UA GE 586 EP	10.4.82	4.9.82
Auditor	UA GE Missamari	4.9.82	18.1.84
Auditor	SLA FSD Missamari	1.2.84	.10.84
Auditor/SO(A)	Main Office, CDA		
/AAO	Guwahati	2.11.84	30.9.89
AAO	SLA SD Dimapur	19.10.89	1.2.93
AAO	AO 15 BRTF	2.2.93	.11.94
AO	LAO(A) Silchar	8.11.94	15.7.00
AO	AO(P) Setuk	.7.2000	.12.03
ACDA	AAO Shillong	15.12.03	

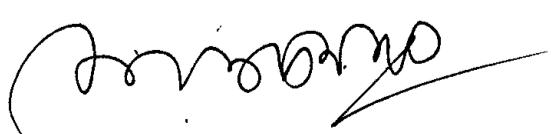
4.4. That the applicant begs to state that in his present place of posting, by now he has completed only about 2 years 5 months of service and there are officers belonging to the same rank and cadre who have been serving in their home stations even more than 5 years continuously. The

Expt. 537.6.1.10.2010  
Central Administrative Tribunal  
25 Aug 2011  
Tribunal Registry  
Guwahati Bench

applicant who is at the verge of his retirement was under the bonafide impression that till the end of his service i.e. 30.9.2009 he will be allowed to continue in his present place of posting without any transfer but surprisingly enough the respondents without taking into consideration those aspects of the matter issued the impugned order dated 2.11.2007 transferring him from CDA, Guwahati to PAO (ORs) PRC, Ramgarh.

A copy of the transfer order dated 2.11.2007 is annexed herewith and marked as Annexure- 1.

4.5. That the applicant begs to state that through the impugned order the respondents have issued the promotion orders of the existing Senior Accounts Officer, Gr. B to the Cadre of Indian Defence Accounts Service in Jr. Time Scale of pay on regular basis and orders of posting have also been made accordingly by the said order. The private respondent Sri. G.C. Dutta serving as Senior Accounts Officer got his promotion to the Cadre of Indian Defence Accounts Service (JTS) by the same impugned order and he has been given the posting in place of the applicant though he is much junior to the applicant in all respect. It is pertinent to mention here that said Sri Dutta had occasion to serve in CDA, Guwahati for long spells but the respondents instead of posting him in Ramgarh posted the applicant who is on the fag end of his service career. The official respondents could have retained the service of the applicant in his present place of posting and allowed him to continue till his retirement by transferring the private respondent or any



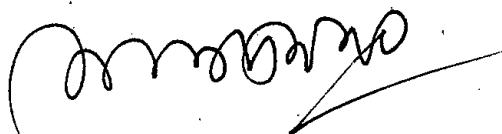
Central Administrative Tribunal  
28 NOV 2007  
Guwahati Bench  
Case No. 2007

other officials within the same rank who by now have completed more than 3 years of service.

4.6. That the applicant begs to state that his wife Smt. T. Biswas is presently serving as Accounts Officer in the office of the Controller of Defence Accounts, Guwahati along with her husband. The applicant and his wife is presently residing at Guwahati and in fact in the year 1986-87 availing the benefit of House Building Advance he constructed his house at Guwahati. The son of the applicant is presently studying at an outstation educational institute and there is none to look them after. It is therefore the applicant indicating his health condition as well as the aforesaid facts preferred a representation to the authority concerned praying for consideration of his case, with a further rider to post him, if utmost necessary, to a station nearby station to his home town which he placed as one of his choice place of posting.

A copy of the said representation dated 6.11.2007 is annexed herewith and marked as Annexure- 2.

4.7. That the applicant begs to state that, the respondents on receipt of the representation dated 6.11.07 issued impugned order dated 26.11.2007 refusing to acceded to the prayer made by him towards change of station of posting as well as retention at Guwahati. The respondents on the same day have also issued another order dated 26.11.2007 relieving the applicant w.e.f. 30.11.2007.



26.11.07

प्रतीकात्मक  
प्रतीकात्मक

Copies of the two impugned orders

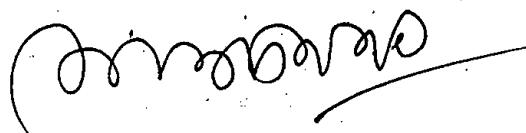
dated 26.11.07 are annexed herewith

and marked as Annexure-3 & 4.

4.8. That the applicant begs to state that in the impugned order dated 26.11.2007 (Annexure-3), the respondents have also indicated the fact that if the wife of the applicant is willing to be transferred to nearby station of Ramgarh, she may apply for the same. However, the said impugned order doesn't indicate any reason as to why his request for retention at Guwahati or his transfer to any nearby station to Guwahati has not been considered.

4.9. That the applicant begs to state that the impugned order dated 26.11.2007 doesn't indicate the reasons for refusal of his prayer for retention at Guwahati as well as for transfer to a nearby station of Guwahati. The said impugned order is a non-speaking one and the same depicts total non-application of mind by the respondents. Apart from that the order has been issued by an authority subordinate to the authority to whom the representation was made. From the above fact situation it can safely be presumed that the impugned order has been issued without there being any public interest nor same has been issued in the exigencies of service. In fact same has been issued only with the sole purpose to accommodate the private respondent, in whose case order of transfer to other region has been canceled twice.

The applicant craves leave of this Hon'ble Court for an appropriate direction towards the official respondents to place on record the two transfer orders



21 MAY 2008

गुरुवारी 7 अप्रैल  
Court Room No. 1

issued in favour of the private respondent which were subsequently canceled.

4.10. That the applicant begs to state that as stated above he is at the verge of retirement and as per the various guidelines issued in this regard the aforesaid impugned transfer order as well as the consequential two impugned orders dated 26.11.2007 are liable to be interfered with by this Hon'ble Tribunal. The applicant who is fast approaching his retirement and taking into consideration of his age i.e. 58 year, the respondents ought not to have issued the order of transfer. The official service manual (OM Pt-I) (Vol-I) Clause 373 clearly indicates the restriction of issuance of orders of transfer to employees who attained the age of 54 years (now revised to 56 years) and taking into consideration such restriction the office of the CGDA, New Delhi issued a circular on transfer establishment dated 10.8.2007 to streamline the issue relating to transfer and posting. As per the said circular each station is required to prepare a roster of its employees who have completed 4 years of service in a particular station and for the employees who have completed 56 years of age along with their choice place of posting. In the instant case admittedly no such details relating to the applicant have been placed to the office of the CGDA, New Delhi and the guideline dated 10.8.2007 has not been followed while issuing the impugned orders and as such same are liable to be set aside and quashed.

4.11. That the applicant begs to state that the applicant is suffering from Chronic Bronchial Asthma and is

 8

28 NOVEMBER

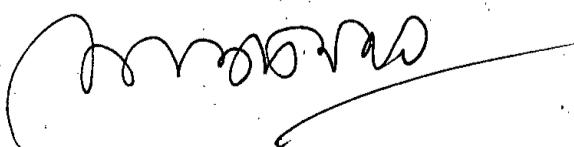
गुवाहाटी न्यायालय  
Guwahati Bench

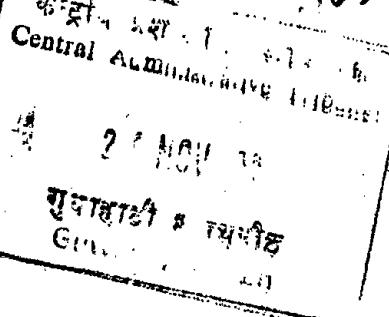
deeply in need of regular observation. As the wife of the applicant is serving in the office of the Controller of Defence Accounts, Guwahati as an Accountant, in that case if his transfer is materialised, it would lead to further complications in his health condition as well as in his family life. To that effect the doctor has prescribed the applicant to be in regular observation.

Copies of the prescription are annexed herewith and marked as Annexure- 5 (Copy).

4.11. That the applicant begs to state that taking into consideration his present health condition in the event of allowing the petitioner to join his transfer post at Ramgarh would invariably cause further deterioration and as such the Hon'ble Court having regard to the totality of the fact may be pleased to pass necessary order suspending the effect and operation of the impugned orders with a further direction to allow the applicant to continue in his present place of posting till disposal of this OA. Instances are at galore wherein in similar circumstances the respondent authorities had occasion to modify such order of transfer and pointing out that it is stated that the principles of balance of convenience lies very much in favour of the applicant towards passing of the interim order as prayed for.

It is under this peculiar fact situation of the case the applicant has come under the protective hands of this Hon'ble Tribunal seeking redressal of his grievances.





5. GROUNDS FOR RELIEF WITH LEGAL PROVISION :-

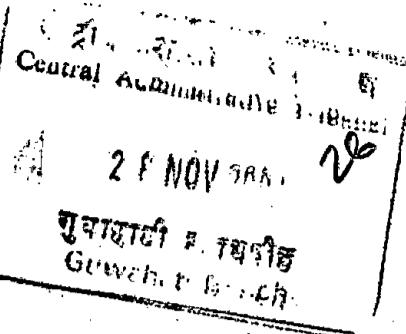
5.1 For that the action/inaction on the part of the respondents in issuing the impugned orders is not sustainable in the eye of law and liable to be set aside and quashed.

5.2 For that the applicant in his service tenure has served in all the hard stations in the North Eastern Region (NER) and served the respondents to his best possible efforts but the respondents have acted illegally in rejecting the case of the applicant for his choice place of posting more so when he has served in all the hard stations and as such the impugned orders are liable to set aside and quashed.

5.3 For that the respondents have failed to take into consideration the fact that the applicant has completed only 2 years and 5 months in the present place of posting and he is on the fag end of his retirement i.e. 30.9.2007. Hence, the respondents without resorting to all these aspects illegally rejected the case of the applicant whereas persons belonging to the same rank and cadre of their choice have been kept in their home stations for more than 5 years.

5.4 For that the respondents have acted illegally transferring the applicant in the fag end of his service career and posting the private respondent (Sri G.C. Dutta) who has got his promotion to the cadre of Indian Defence

*Amritpal Singh*



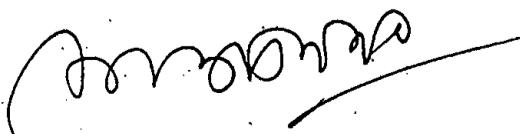
Accounts Service (JTS) by the same impugned order and who has occasion to serve at CDA, Guwahati for long spells. Hence, the impugned orders coupled with such illegalities are required to be set aside and quashed.

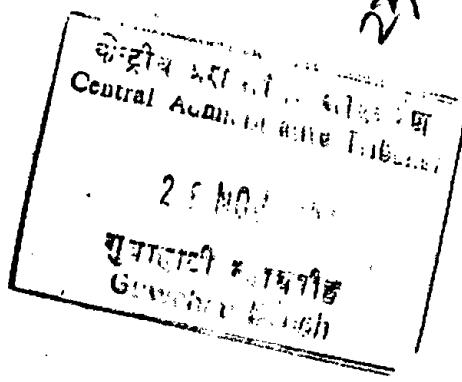
5.5. For that the respondents have failed to take into consideration the age i.e 58 years and the present health condition of the applicant who is suffering from Chronic Asthma and issued the impugned orders which are not sustainable in the eye of law and liable to be set aside and quashed.

5.6. For that the impugned orders have not been passed by the authority to whom the representation has been made, therefore it can safely be presumed that impugned orders are not passed in public interest but the sole purpose is to accommodate the private respondent in whose case transfer order were canceled twice. Hence, the impugned orders coupled with such colourable exercise of power are required to be set aside and quashed.

5.4. For that the respondents have failed to take into consideration various guidelines issued by the respondents streamlining the matter pertaining to transfer and posting while issuing the impugned orders and as such same are liable to be set aside and quashed.

5.5. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.





The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

**6. DETAILS OF REMEDIES EXHAUSTED:**

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

**7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

**8. RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the impugned order dated 2.11.2007 (Transfer order) and 26.11.2007 (relieving order) and the order dated 26.11.07 disposing the representation filed by him.

8.2. To direct the respondents to retain the applicant at his present place of posting or alternatively to post him any station nearby his present place of posting till his retirement.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicant prays for an interim order restraining the respondents from releasing the applicant from his present place of posting i.e. Guwahati by suspending the effect and operation of the impugned order dated 2.11.07 and 26.11.07 and to allow him to continue in his present place of posting.

10. ....

11. PARTICULARS OF THE I.P.O.:

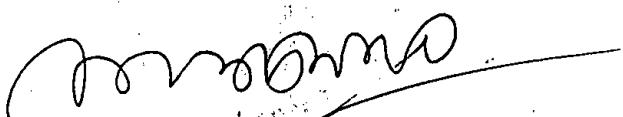
1. I.P.O. No. : 346 654809

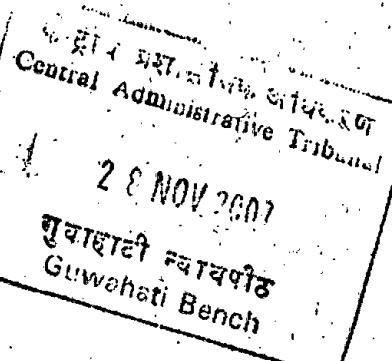
2. Date : 27.11.07

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.



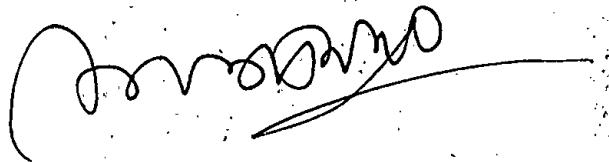


VERIFICATION

I, Sri Prasanta Ranjan Biswas, aged about 58 years, son of late R.R.Biswas, presently resident of Patharkuchi Road, Nobodoy Nagar, House No.17, Basistha, Guwahati-29, do hereby solemnly affirm and verify that the statements made in paragraphs 4.1, 4.10, 4.12, ..... are true to my knowledge and those made in paragraphs 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, ..... are also matter of records, and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am the applicant in the instant application and as such well convergent with the facts and circumstances of the case and also competent to swear the verification.

And I sign on this the Verification on this the 28th day of November 2007.



Signature.

Office of the Controller General of Defence Accounts,  
West Block-V, R.K. Puram, New Delhi-110 605

No. AN-I/1424/1/XXVI

Dated the 2<sup>nd</sup> November 2007

To

- 1 The PCDA (SC), Pune
- 2 The PCDA (CC), Lucknow
- 3 The PCDA (P), Allahabad
- 4 The PCDA (Navy), Mumbai
- 5 The PCDA (AF), Dehradun.
- 6 The PCA (Fys), Kolkata
- 7 The PCDA (R&D), New Delhi
- 8 The CDA Guwahati
- 9 The CDA (Army), Meerut
- 10 The CDA (O), Pune
- 11 The CDA, Bangalore
- 12 The IFA (MC) Nagpur
- 13 The CDA, Chennai
- 14 The CDA, Jabalpur
- 15 The CDA Patna

**Subject: Promotion from the grade of Senior Accounts Officer (Gp. 'B') to the Junior Time Scale of the Indian Defence Accounts Service, on regular basis.**

Government of India, Ministry of Defence (Finance Division) have approved promotions of nine (09) Senior Accounts Officers (Gp. 'B') serving in the offices/ organizations indicated against their names as listed in Annexure 'A' to this letter, to the Junior Time Scale (Rs.8000-275-13500) of the Indian Defence Accounts Service on regular basis. The competent authority has decided the postings on promotion in the offices/ organizations as indicated, against their names. The officers may, therefore, be relieved of their present duties with directions to report for duties in the new office of posting, as applicable. The promotion shall take effect from the date as indicated in Annexure 'A' to this letter or the actual date of assumption of charge, whichever is later, provided no disciplinary/ criminal case is pending against the officers and they are not under suspension.

2. Transfer of six (06) serving JDAS officers as indicated in Annexure 'B' to this letter has also been approved by the competent authority. Accordingly, the officers may be relieved of their present duties with directions to assume new responsibility.

3. TA/ Joining time is admissible to the officers as per extant rules, wherever applicable.

4. The dates of the officers' relief/ assumption of charge may please be intimated to this HQrs office by fax. A copy of the Part II Office Order

**Attest**

Das

**Advocate**

-16-

ANNEXURE 'A' to CGDA New Delhi letter No. AN-I/1424/1/XXVI  
 dated 2nd November 2007 (promotions from the grade of Senior  
 Accounts Officer (Gp. "B") to the Junior Time Scale of the Indian  
 Defence Accounts Service on Regular basis.

Slno	Roster No.	Name S/Shri	Present		Posted to	
			Office	Organisatio n	Office	Organisatio n
1.		G. G. Hasurkar	Main Office	PCDA (Navy) Mumbai	Main Office	PCDA (Navy) Mumbai
2.	259	P. G. Vijaya Kumaran	Main Office	CDA (O) Pune	IFA 11 BRD & 25 ED, Deolali; Nasik	PIFA, New Delhi
3.	260	B. G. Lad	Infantry School, Belgaum	CDA Bangalore	IFA (AF) Bhuj	PIFA New Delhi
4.	261	G. C. Dutta*	Main Office	CDA Guwahati	Main Office	CDA Guwahati
5.	262	P. J. Dixit	Main Office	CDA (O) Pune	PAO (ORs) IGRC Jabalpur	CDA Jabalpur
6.	263	P. K. Sharma	LAO (A) Lucknow	PCDA (CC) Lucknow	PAO (ORs) SRC Fatehgarh with additional charge of PAO (ORs) SRC Fatehgarh	PCDA (CC) Lucknow
7.	264	G. C. Chakraborty	Rifle Factory, Ishapore	PCA (Fys.), Kolkata	Main Office	PCA (Fys.), Kolkata
8.	266	B. K. Singh	LAO (A) Roorkee	CDA (Army) Meerut	IFA 7 BRD New Delhi	PIFA New Delhi
9.	249	K. Rajan	DPDO Bangalore	CDA Chennai	IFA 26 ED Bangalore	PIFA New Delhi

(Total

09

(Nine)

Officers)

NOTE: The effective dates of promotion of the officers will be from the dates as below.

Sl. No. 1 to 4  
above :

With immediate effect or date of assumption of charge,  
whichever is later.

Sl. No. 5 to 7  
above :

With effect from 1st December 2007 or date of assumption  
of charge, whichever is later.

Sl. No. 8 & 9  
above :

With effect from 1st January 2008 or date of assumption of  
charge, whichever is later.

\* Orders issued vide this HQrs letter No. AN/II/2153/TR-313 dated  
14.08.2007 stands superseded.

(Vishvajit Sahay)

Senior Deputy Controller General of Defence Accounts (Admin)

notifying the relief/ assumption of charge may please be forwarded to this HQs office separately.

(Vishvajit Sahay)  
Senior Deputy Controller General of Defence Accounts (Admin)  
Telefax: 011-26109389

ANNEXURE 'B' to CGDA New Delhi letter No. AN-I/1424/1/XXVI  
dated 2nd November 2007 (posting/ transfer of serving IDAS  
officer)

Slno.	Name S/Shri	Present Office	Present Organisation	Posted to Office	Posted to Organisation
1.	P. R. Biswas, DCDA	Main Office <i>Dy. COA</i>	CDA Guwahati	PAO (ORs) PRC Ramgarh	CDA Patna
2.	Bidhan Chatterjee, ACA (Fys.)	Main Office	PCA (Fys.) Kolkata	PCDA (P) Allahabad	PCDA (P) Allahabad
3.	Joginder Dass, ACDA	PCDA (P) Allahabad	PCDA (P) Allahabad	PAO (ORs) BEG&C Roorkee	CDA (Army), Meerut
4.	D. C. Pokhriyal, ACDA	PAO (ORs) BEG&C Roorkee	CDA (Army), Meerut	CDA (R&D) Dehradun	PCDA (R&D) New Delhi
5.	Vishambher Singh, Dy. IFA	IFA 7 BRD New Delhi	PIFA New Delhi	AO, IMA, Dehradun	CDA (Army), Meerut
6.	T. S. Venkatesan, ACDA	AO, IMA, Dehradun	CDA (Army), Meerut	CDA (O) Pune	CDA (O) Pune officers).
(Total)		06		(six)	

(Vishvajit Sahay)  
Senior Deputy Controller General of Defence Accounts (Admin)

To

The C.G.D.A.  
West Block-V.  
R.K.Puram.  
New Delhi-110 066.  
(Through Proper channel)

Madam,

With due respect and humble submission, I beg to state the following few lines for your kind consideration and sympathetic action please.

That Madam, I received transfer order for self posting to PAO(ORs) PRC Ramgarh vide your transfer Order No. AN-I/1424/1/XXVI dated 02.11.2007. In this connection, I want to draw your kind attention that I am a chronic asthma patient suffering from 1996 onwards. I keep an inhaler with me 24 hrs. In spite of having this disease, I have served at three stations. Now, I am serving in the office of the CDA Guwahati since May'2005 and so I am not physically and mentally prepared to get my transfer order after two years five months only i.e. at the fag end of my service. I will be retiring on 30.09.2009.

Further, Madam, My wife Smt. T. Biswas is serving in CDA Guwahati as Accounts Officer. We are having one son and one daughter. My son is out of station for his higher technical education. So in theabsence of a male member, I cannot leave my family alone. My daughter has already attained her marriage-able age. I have withdrawn a large amount of money from my GPF account recently to get my daughter married but due to some reasons I could not do the same. It will take some constant effort on my part as a father, as I have to be here to take care of my daughter's future too.

Madam, I constructed my house at Guwahati during 1986-87 taking H.B.A., but as ill luck would have it I could not stay at my own residence due to continuous transfer, from one station to another which were both hilly and insurgent prone areas. I have settled in my own house only during June 2006 after duly

Attested

Par.

Advocate

renovating the same. So, In view of the above it will be very difficult on my part to leave my family without a male guardian. Since, I am suffering from chronic asthma, on my shifting from Guwahati, the disease might aggravate prove to be a fatal one to me.

Therefore, Madam, I request your honour to kindly reconsider my case and allow me to stay at CDA Guwahati only. In case, it is not at all administratively feasible, I may be transferred to JCDA BR Guwahati or at Tezpur area which is very near to Guwahati area under Administrative Control of CDA (BR) so that I may serve better to the department. For this act of kindness, I shall ever remain grateful to you.

Thanking you in anticipation.

Your's Faithfully

(P.R.BISWAS)  
DCDA  
CDA Guwahati

Dated: 06.11.2007

-21-

Office of the Controller General of Defence Accounts  
West Block-V, R.K. Puram, New Delhi-110066

No. AN/I/1170/I/XXXVI

Dated: 26<sup>th</sup> November 2007

To

The CDA,  
Guwahati.

Subject: Transfer/Posting: IDAS Officers.

Reference: CDA, Guwahati letter No. AN/IA/1507/IDAS/Posting/VI dated 07.11.07.

The request for retention at Guwahati/change of station of posting as made by Shri P.R. Biswas, DCDA, in his application dated 06.11.07 has been considered by the Competent Authority but not acceded to.

2. The officer may, therefore, be relieved of his duties immediately with directions to report for duty in PAO(ORs) PRC, Raigarh, as already ordered vide this HQs letter dated 02.11.07.

3. While considering the request of Shri Biswas it has been desired to know by the competent authority as to whether he would like his wife to be transferred to close by station.

We may advise him  
on 30/11/07 (Am). I have  
been telephonically instructed  
by Jt. CGDA (Am) to release  
him immediately. Pt. answer  
from him about PSL 'A' above.

*LB*  
(Vishvajit Sahay)  
Senior Deputy CGDA (Admin.)  
Telefax: 26109389

*26/11*

Attested

*P.S.*

Advocate

*GO (Am) P.S. 26/11*

कामालिया, राहा लेण्डा नियमन, गुवाहाटी  
 OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS GUWAHATI  
 उदयन निहार, नारंगी, पिन - 781171  
 UDAYAN NIHAR, NARANGI, PIN-781 171

माम - II का आ स/ Pt. II O.O. No. 701

दिनांक/ Dated: 26-11-07

मित्र/ Subj: Transfer/Posting - IDAS Officer

Having been selected by the CGDA, New Delhi, for transfer to the office of the PAO(ORs) PRC Ramgarh, under the organization of CDA Patna, Shri P.R. Biswas, DCDA shall be relieved of his duties on 30-11-2007(AN) from MO, CDA Guwahati with a direction to report for duty to his new office of posting.

TA and joining time as admissible under rules is authorized.

प्राप्तिकार/Author: CGDA New Delhi letter No. AN/I/1424/1/XXVI dated 02-11-07 & 26-11-07.

काइल सं/File No: AN/IA/1507/IDAS/Posting/Vol-VI

*S/L*  
 (L.S. Laloo)  
 र.के.सहा.निय. (प्रश्न)  
 ACDA (AN)

सिरारण/ Distribution:

1. The CGDA, West Block - V, R.K. Puram, New Delhi - 110066
2. The Addl. CGDA I and II/Principal IFA/Jt. CGDA (I/I)/Jt. CGDA (AT-I, II & III)/Jt. CGDA (Accounts & Budget)/Jt. CGDA (Training I & II)/Jt. CGDA (Admin)/Jt. CGDA (IFA)
3. The PChA (P) Allahabad - 211014
4. The CDA Patna
5. The CDA (Funds) Meerut
6. PAO(QR) PRC Ramgarh
7. Shri P.R. Biswas, IDAS, DCDA - for compliance
8. The O.I/s - AN/IB, AN/IC, AN/II (Gp-I), AN/II (Gp-II), AN/III, A/Cs, SA, 'D', Pay Tech & O&M Cell(localhost).
9. The PA to CDA/Addl. CDA
10. Hindi Cell for Hindi Version
11. P.C. File
12. Estt. Task Holder.
13. O.O. File

*(B.C. Das)*  
 ब.स.कामि  
 Sr. AO (AN)

Attested

*[Signature]*

Advocate

DR. M. RAHMAN, M.B.B.S. (DIB)  
Senior Medical & Health Officer  
L. G. B. Chest Hospital, Guwahati  
Regd. No. 8642

ANNEXURE - 5 (Copy)

Status Asthmatics

Date: 20.10.07

B.P. 180/100  
P. R. 120/min  
P. O. S. 1000 ml H<sub>2</sub>O

P. R. Biswas - Age: 58y

✓ 1. Sterirol 400 mg - 20ml

2. Dexamethasone 16 mg - 1ml to be  
continued

3. Efradil - 6 ml  
(20ml)

3. Salbutamol - 6 mg  
(2 ml)

4. Sloof Syrup  
x 2 to 3 drs

5. Kenacet 400 mg - 4 ml  
once daily via weekly

6. Omeprazole 20 mg -  
once daily o.d. SOS

00

Attested

H. As.

Advocate

DR. M. RAHMAN, M.B.B.S. (DIB)  
Senior Medical & Health Officer.  
L. G. B. Chest Hospital, Guwahati  
Regd. No. 8642

-24-

36

Date: 10.09.07

A. Bronchial  
Ashtma P. R. Biswas - Age: 58 yrs

b 3 Remacort - 1 vial  
(40mg)  
So open vial and divide  
carefully

" E ciflo - pt  
(250mg)  
Sig: Apply as advised

" Shirokoforal -  
So 2 in - divide of 2 as  
ghee or milk

Orme 3 (200mg)  
So open up divide in 3  
apply - stomach

dated - 14.09.07

b 2 Dose Phyllium Rotundifolium  
(300mg) 3 affixed

4 Venti phyllium 3  
any 2 in 3 affixed

DR. M. RAHMAN, M.B.B.S. (DIB)  
Senior Medical & Health Officer  
L. G. B. Chest Hospital, Guwahati  
Regd. No. 8642

-25-

Date: 26.03.07

Examination  
Asthma

P. R. Biswas - Age 57 years

Is Taxim o - 1046

o - (200mg)

o - Six weeks of Intake

✓ Tab. Diclophenac Sodium 1046

o - (150mg)  
o - Six weeks treatment

Oral D -

o - Six weeks oral SOS  
in an empty stomach

(A)

File in Court on 18.1.08.....  
Court Officer.

37  
Through  
Guwahati Bench of  
18.1.08  
J. Lhungdim IDAS  
Controller of Defence Accounts  
Ujjwal Sanghi  
Sectretary  
J. Lhungdim IDAS  
Controller of Defence Accounts  
Ujjwal Sanghi  
Sectretary

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. NO. 297 OF 2007

Sri Prasanta Ranjan Biswas

.....Applicant

-Versus-

Union of India & Ors.

....Respondents

Received copy  
Hridip W. Das;  
18.1.08  
The written statement filed on  
behalf of the Respondents above  
named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That the respondents above named crave leave to submit some preliminary objection to place the same on record. The respondents state that the Defence Accounts Department is an organisation under the Ministry of Defence and committed to the service of the Armed Forces. The service conditions of offices of the Defence Accounts Department provide for serving any where in India including field service in or out of India.

Copy of the IDAS Rules, 2000 as amended is annexed herewith as Annexure - R-1.

Contd.. P/-

2. That it has been the policy of the Government of India to right size the establishment and the organisation of the respondents, being part of the Govt. of India is no exception. The strength of employees/officers in the organisation is decreasing gradually with superannuation etc. and fresh recruitments not commensurate with the superannuation. Keeping in view the existing depleted strength of the establishment in the Defence Accounts Department and the commitment of the respondents to the Armed Forces, the respondents post the employees/officers serving in the Defence Accounts Department rationally on the request of the employees/officers as well as administrative contingencies. While deciding the postings/transfers, the interest of the Armed Forces, being in the interest of the Nation, has to be kept above the individual interest. This becomes more important in the case of offices who are very few in number. The Respondent No.2 is the authority competent to order transfers/postings of the applicant.

3. That the Hon'ble Supreme Court has repeatedly held in several decision that "transfer is an exigency of service" vide B. Varadha Rao Vs. State of Karnataka AIR 1986 SC 1955, Shilpi Bose Vs. State of Bihar AIR 1991 SC 532, Union of India Vs. N.P. Thomas AIR 1993 SC 2444 etc.

*S. Rayamajhi*

Contd.. P/-

21.JAN.1997

गुवाहाटी बायपीठ  
Guwahati Bench

[ 3 ]

38

Further the respondent submits that in State of Punjab Vs. Joginder Singh Dhatt AIR 1993 SC 2486, the Apex Court observed that "...this court has time and again expressed its disapproval of the courts below interfering with the order of transfer of public servant from one place to another. It is entirely for the employer to decide when, where and at what point of time a public servant is transferred from his present posting. Ordinarily the courts have no jurisdiction to interfere with the order of transfer. The High Court grossly erred in quashing the order of transfer of the respondent from Hoshiarpur to Sangrur. The High Court was not justified in extending its jurisdiction under Article 226 of the Constitution of India in a matter where, on the face of it, no injustice was caused".

Moreover Hon'ble Supreme Court in Abani Kanta Ray Vs. State of Orissa (Supp.) 4 SCC 169 (1996 Lab IC 982) has held that "It is settled law that a transfer which is an incident of service is not be interfered with by the Courts unless it is shown to be clearly arbitrary or vitiated by malafides or infraction of any professed norm or principle governing the transfer".

The scope of judicial review of transfer under Article 226 of the Constitution of India has been settled by Hon'ble Supreme Court in Rajendra Rao Vs. Union of India (1993) 1 SCC 148 ; (AIR 1939 SC 1236), National Hydroelectric Power Corporation Ltd. Vs. Shri

*Dr. Jayadev*

Contd.. P/-

21 JAN 2011

গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

[ 4 ]

Bhagawan (2001) 8 SCC 574 ; (AIR 2001 SC 3309), State Bank of India Vs. Anjan Sanyal (2001) 5 SCC 508; (AIR 2001 SC 1748). Following the aforesaid principles laid down by Hon'ble Supreme Court, the Allahabad High Court in Vijay Pal Singh Vs. State of U.P. (1997) 3 ESC 1668; (1998 All LJ 70) and Onkarnath Tiwari Vs. The Chief Engineer, Minor Irrigation Department, U.P. Lucknow (1997) 3 ESC 1866; (1998 All LJ 245) has held that the principle of law laid down in the aforesaid decisions is that an order of transfer is a part of the service conditions of an employee which should not be interfered with ordinarily by a court of law in exercise of its discretionary jurisdiction under Article 226 unless the Court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities who issued the orders were not competent to pass the orders.

4. That with regard to the statement made in paragraph 1 and 2 of the instant application the Respondents beg to state that the respondents have no comment.

5. That with regard to the statement made in paragraph 3 of the instant application the Respondents beg to state that the matter is not within jurisdiction of this Hon'ble Tribunal in view of a catena of judgments of the Hon'ble Supreme Court and various High



Contd.. P/-

গুৱাহাটী নথ্যপুঁথি  
Guwahati Branch

[ 5 ]

Courts as stated in preliminary submissions above, which are not being repeated for the sake of brevity.

6. That with regard to the statement made in paragraph 4.1 and 4.2 of the instant application the Respondents beg to state that the averments of the applicant regarding his promotion are extraneous in nature and have no bearing on the instant application, rest is matter of record.

7. That with regard to the statement made in paragraph 4.3 of the instant application are wrong and denied. It is submitted that during his service career, the applicant was transferred to different stations within the North Eastern Region of the country which shows that the Respondents were considerate enough to accommodate him to the extent possible. In fact the respondents department was many a times compassionate to consider requests of the applicant and posted him to choice stations. Some instances where the applicant was accommodated in consideration of requests are given below:

a) On promotion to the grade of Section Officer (Accounts), the applicant was transferred to the office of the Controller of Accounts (Factories), Calcutta vide Controller General of Defence Accounts, new Delhi confidential letter No. AN/IX/9011/1/7/84 dated 28.2.1985. However, the applicant applied for retention in the same station i.e. Guwahati vide his application dated

*S. M. D. M.*

Contd.. P/-

24.12.2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

[ 6 ]

11.3.1985 and his request was acceded to by the competent authority.

A copy of the application is annexed herewith as Annexure - R-2.

b) The applicant vide his application dated 11.7.1990 requested for retention at the office of the Accounts Officer (Project), Sewak (Dimapur). Accordingly, the respondents department allowed him to continue at Dimapur upon 01.2.1993. Further on his eventual promotion to the grade of Accounts Officer during November, 1994, he was posted to the office of the Local Audit Officer (Army), Silchar which was the nearest office available from his home town.

A copy of the application is annexed herewith as Annexure - R-3.

8. That with regard to the statement made in paragraph 4.4 of the instant application the Respondents beg to state that the applicant has completed 2 years and 6 months in Guwahati as on 19.11.2007 and was transferred on administrative ground in the interest of the public service.

9. That with regard to the statement made in paragraph 4.5 of the instant application the Respondents beg to state that the applicant has also referred about

*S. Jayaram*

Contd.. P/-

21 JAN 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

[ 7 ]

respondent No.4 viz. Shri G.C. Dutta, Assistant Controller of Defence Accounts in support of his prayer for cancellation of his transfer order. In this connection, it is submitted that the respondent No.4, after completion of about 4 years in the office of the Joint Control of Defence Accounts (Border Roads), Guwahati whose HQrs. is at New Delhi, had been posted to the office of CDA, Guwahati purely on administrative ground. The contention of the applicant is not based on facts. The applicant has been posted in office of the CDA, Guwahati since 19.5.2005.

10. That with regard to the statement made in paragraph 4.6 of the instant application the Respondents beg to submit that the Department has been considerate enough to accommodate the applicant in the North Eastern Region since his appointment in 1971 even though the service conditions of the applicant provide for service any where in India including the field service in or out of India. In fact the respondents had been gracious enough to ask the applicant whether he would like to get his wife transferred at or nearby his new place of posting. Hence, the applicant has no cause for grievance

11. That with regard to the statement made in paragraph 4.7 of the instant application the Respondents beg to state that no comments are offered being matter of record. It is further submitted that the applicant

*S. Nayak*

Contd. P/-

has since submitted a requisition for advance of transfer grant, fare from Guwahati to Ramgarh and luggage charges admissible to him on his transfer to Ramgarh and the same has also been passed.

A copy of the said requisition for advance is annexed herewith as Annexure - R-4.

12. That with regard to the statement made in paragraph 4.8 and 4.9 of the instant application the Respondents beg to state that the reason of not acceding to the request of the applicant, being administrative and in public interest was not conveyed to the applicant. As may be seen from the application dated 6.11.07 of the applicant (Annexure-3 of the O.A.), the same was submitted through proper channel viz. CDA, Guwahati. The decision of the competent authority has also been conveyed to the applicant through proper channel i.e. an officer of the office of CDA, Guwahati. It is interesting to note that on earlier occasions when the applicant had submitted his applications for consideration, as stated above, the applicant had never insisted on passing of speaking order on his applications by the respondents, now he is raising a hue and cry on the manner of the conveying of the decision of the competent authority. It is not mandatory to pass a speaking order on the request of the applicant in the matter of transfer.

*D. Jayaram*

Contd..P/-

13. That with regard to the statement made in paragraph 4.10 of the instant application the Respondents beg to state that the applicant has tried to mislead the Hon'ble Tribunal by not enclosing a copy of the circular dated 10.8.2007. It is to be seen from the said circular that the same pertains to the transfer policy in respect of SOs(A)/AAOs i.e. subordinate officers of the Defence Accounts Department. The applicant is neither a SO(A) nor AAO. He is an IDAS officer and therefore, the contents of this circular are not applicable to him. The applicant has cited selective portions of the chapter VII of Defence Accounts Department Office Manual Part-I which deals with the transfer policy of the respondents department. The transfer policy is contained in paras 368 to 380 of the said office manual. It is clear that the said transfer policy has been prescribed for the staff. The applicant does not belong to the staff. He is an IDAS officer and is, therefore, not governed by this policy. Further, it is not always possible to accede to the request of the applicant and the applicant has been transferred on administrative grounds in the interest of the Armed Forces.

A copy of the said circular dtd. 10.8.07 is annexed herewith as Annexure - R-5.

A copy of the office manual is annexed herewith as Annexure - R-6.

*S. Raybar*

Contd..P/-

[ 10 ]

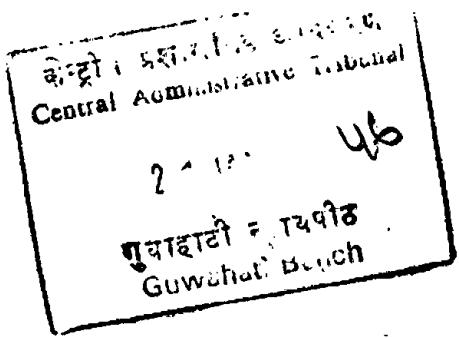
14. That with regard to the statement made in paragraph 4.11 and 4.12 of the instant application the Respondents beg to state that the averments of the applicant are misconceived and unjust. In fact, the respondents department has been considerate enough to ask the applicant to state whether he would like his wife to be transferred to or nearby his new place of posting. Thus, there is no cause of grievance.

15. That with regard to the statement made in paragraph 5.1 of the instant application the Respondents beg to state that order is very much sustainable in the eyes of law.

16. That with regard to the statement made in paragraph 5.2 and 5.3 of the instant application the Respondents beg to state that the applicant was posted in different stations of North Eastern Region on administrative grounds and at times on his own request (para 4.3 of the OA refers). The applicant was appointed as temporary Upper Division Clerk on 31.3.1971 and initially posted to the office of the Unit Accountant Garrison Engineer, Silchar, the nearest office available from his hometown. Since recruitment he has remained in the North Eastern Region including Bhutan only except for a period of a little over nine months. Therefore, the respondents department had been allowing him to remain in the North Eastern Region throughout his career which includes 12



Contd.. P/-



[ 11 ]

years and 4 months stay at Guwahati station in three spells, though the applicant is having all India liability as per service conditions. In fact the respondents had been considerate enough to allow him to remain in the same station (Shillong) on his promotion from Accounts Office to Assistant Controller of Defence Accounts during December, 2003. The applicant is also the senior most amongst the Time Scale officers (Assistant Controllers and Deputy Controllers) posted at Guwahati station.

17. That with regard to the statement made in paragraph 5.4, 5.5, 5.6 and 5.7 (the applicant has erroneously marked paras 5.6 and 5.7 in OA as 5.4 and 5.5) of the instant application the Respondents beg to state that the averments of the applicant are not tenable in view of the reply furnished in the preceding paras, which is not being repeated for the sake of brevity.

18. That with regard to the statement made in paragraph 6 of the instant application the Respondents beg to state that the averments of the applicant is false in as much as he has not made any appeal to the higher authorities.

For the reasons stated above, it is humbly prayed that the applicant is not entitled to any of the reliefs prayed for in the original application and the Hon'ble Tribunal may be pleased to dismiss the OA with costs to the Respondents.

*R. Jayaram*

केन्द्रीय प्रशासन अधिकार नियमित अधिकारी  
Central Administrative Tribunal

21 JAN 2008

গুৱাহাটী নথিপতি  
Guwahati Bench

VERIFICATION

I, J. Lhungdim..... S/o S. Lhungdim.....  
aged about 47 years, R/o C.D.A. Complex, Gauhati  
District Kamrup and competent officer of the  
answering respondents, do hereby verify that the state-  
ment made in paras 2 to 6, 8-10, 12, 14-18 are true  
to my knowledge and those made in paras 1, 7(5), 11, 13  
being matters of record are true to my information  
derived therefrom which I believe to be true and the  
rests are my humble submission before this Hon'ble  
Tribunal and I have not suppressed any material fact.

And I sign this verification on this 18th day  
of January 2008 at Guwahati.

  
Signature

केन्द्रीय प्रशासन अधिकारी  
Central Administrative Tribunal  
SAC  
नियमित अधिकारी  
নথিপতি  
Sub. Udayan Vinay Narang  
सचिव  
Secretary  
Controller of Defence Accounts  
Controller of Defence Accounts  
J. LHUNGDIM, IAS  
জে. লংগড়িম, আইএএস  
17, ১৯৮৪, ১১, ২০০৮

21 JAN 2000

गुवाहाटी बैठकी

Guwahati Bench

ANNEXURE R-1

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
(FINANCE DIVISION)

NEW DELHI THE 28<sup>th</sup> February, 2000

S.R.O.-66 In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of the Indian Defence Accounts Service Rules 1958 except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the Indian Defence Accounts Service, namely:

1. SHORT TITLE AND COMMENCEMENT.-(1) These rules may be called the Indian Defence Accounts Service Rules, 2000.

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

2. DEFINITIONS. - In the rules, unless the context otherwise requires :-

(a) 'Government' means the Central Government.

(b) 'The Commission' means the Union Public Service Commission.

(c) 'Duty Posts' - Duty posts are mentioned in Schedule-I to the rules.

(d) 'Schedule' - Schedule means as Schedule-I, II & III attached to the Rules.

(e) 'The Service' means the Indian Defence Accounts Service.

(f) 'Scheduled Castes' and 'Scheduled Tribes' shall respectively have the same meanings as in Clause (24) and (25) of article 366 of the Constitution of India.

(g) 'Other Backward Classes' shall comprise, the castes and communities notified by the Central Government from time to time.

*selected  
B.W. general*

(h) 'Examination' means the Civil Service Examination for recruitment to Central Services Group 'A' and Group 'B'.

(i) 'Departmental Promotion Committee' means a Committee constituted to consider the promotion to or confirmation in any grade as indicated in Schedule-III to these Rules.

3. CONSTITUTION OF THE SERVICE.- (1) There shall be constituted a Service known as Indian Defence Accounts Service consisting of persons appointed to the Service under rules 5 & 6.

(2) All the posts included in the Service shall be Group 'A' posts.

4. GRADES, AUTHORISED STRENGTH AND ITS REVIEW.- (1) The authorized permanent strength of the various grades of the Service on the date of commencement of these rules and the number of posts in each grade and the pay scales attached to them and the special conditions of service attaching to them shall be as specified in Schedule-I to these rules.

(2) The President may make such alteration to the strength of a grade as deemed necessary from time to time subject to any general or special orders that may be issued by the Government.

5. MEMBERS OF THE SERVICE.- (1) The following persons shall be the member of the service, namely :-

(a) Persons deemed to have been appointed to duty posts under rule 6; and

(b) Persons appointed to duty posts under rule 7.

(2) A person referred to in Clause (a) of the Sub Rule (1) shall be a member of the service in the appropriate grade applicable to him from the date of such appointment.

6. INITIAL CONSTITUTION.- (1) The Service shall, on the date of commencement of these rules consist of officers who have already been appointed on a regular basis to the Indian Defence Accounts Service in the various grades as specified in Schedule-I and the officers so appointed shall be deemed to have been appointed to the respective grades at the initial constitution of the Service.

(2) The regular continuous service of officers mentioned in sub rule (1) in the respective corresponding grades tendered prior to the publication of these rules shall count as qualifying service for the purpose of seniority, confirmation, promotion and pension.

7. FUTURE MAINTENANCE. - (1) Initial recruitment to the Service after commencement of these rules shall be made in the following manner :-

(i) BY DIRECT RECRUITMENT. - By direct recruitment in the Junior Time Scale on the basis of results of the Civil Services Examination conducted by the Commission in accordance with the rules notified for the purpose or any other scheme of examination that may be notified by Government in consultation with the Commission from time to time in this regard:

Provided that overall strength of Direct Recruit officers shall not at any time exceed 65% of the total posts authorized to the service from time to time.

(ii) BY PROMOTION OF OFFICERS FROM GROUP 'B' SERVICES.

- (1) By promotion of Senior Accounts Officer in accordance with rule 10:

Provided that the overall strength of promotee officers shall not at any time exceed 35% of the total posts authorized to the Service from time to time.

(2) Appointments to the posts in the Junior Time Scale and above grades in the Service shall be made:-

(a) By promotion from the officers in the lower grade(s) in accordance with Schedule-II.

(b) By deputation in accordance with rule 11, provided that the vacancies cannot be filled in the manner as specified under clause (a) above or when such deputations are necessary as a result of a 'Exchange Scheme' in operation among the various services.

8. SENIORITY. - (1) The relative seniority of members of the Service appointed to any grade in accordance with rule 5 at the time of initial constitution of the Service, shall be governed by their relative seniority obtaining on the date of commencement of these rules, provided that, if the seniority of any such member had not been specifically determined on

गुवाहाटी न्यायपाल  
Guwahati bench

the said date, the same shall be determined in accordance with the rules applicable prior to the commencement of these rules.

(2) The Seniority of officers, who are appointed to the Service after the commencement of these rules, shall be regulated in accordance with the principles mentioned below:-

(a) Seniority of persons recruited on the basis of results of Civil Services Examination conducted by the Commission in any year to the posts in the Junior Time Scale shall be fixed in accordance with the rules and orders on the subject and with reference to their merit position as recommended by the Union Public Service Commission based on the competitive examination.

Provided that any probationer appointed on the basis of earlier selection shall rank above the person appointed on the basis of subsequent selection.

(b) Officers appointed to the Service in terms of provisions of rule 10 shall be given two years' weightage in seniority vis-à-vis the officers appointed in the same year through competitive examination.

(c) Among the officers appointed through the competitive examination in a particular year and the promoted officers assigned to that year after allowing weightage in terms of sub-rule (b) above, the latter shall be placed en-bloc below the junior most direct recruit of that year.

Provided that those promoted on the basis of earlier selection will rank senior to those promoted on the basis of later selection.

(3) The inter-se-seniority of Officers appointed to the Senior Time Scale, Junior Administrative Grade, Senior Administrative Grade and Higher Administrative Grade comprising the posts of Additional Controller General of Defence Accounts and Principal Controller of Defence Accounts and equivalent, shall be determined in the order of their position in the respective select lists for promotion to the such grades and those promoted on the basis of an earlier selection shall rank senior to those promoted on the basis of subsequent selection.

9. **PROBATION.** - (1) Every officer on appointment to the Service, either by direct recruitment or by promotion to the Junior Time Scale from

21 JAN 2005

Guruhaatii Niyaypee  
Guwahati Bench

Group 'B' Service, as the case may be, shall be on probation for a period of two years:

Provided that the Government may extend the period of probation in accordance with the instructions issued by the Government from time to time.

- (2) On completion of the period of probation or any extension thereof, a directly recruited officer, shall, if considered fit for permanent appointment, be confirmed in his appointment on the recommendations of a duly constituted Departmental Promotion Committee, the composition of which will be as shown in Schedule-III. As regards an officer promoted to the Junior Time Scale, if the officer is considered fit for continued appointment to the Service, an order will be passed by the appointing authority that the officer has successfully completed the probation, on the recommendations of a duly constituted Departmental Promotion Committee, the composition of which will be as shown in Schedule-III.
- (3) If, during the period of probation or any extension thereof, as the case may be, the Government is of the opinion that the officer has not successfully completed the period of probation, the Government may discharge the directly recruited officer from the Service, or revert the promoted officer to the post held by him prior to his appointment in the Service.
- (4) During the period of probation, or any extension thereof, directly recruited officers may be required by the Government to undergo such courses of training and instruction as the Government may deem fit, and will have to pass a Departmental Examination in two parts, namely, Part-I and Part-II. Passing of the Departmental Examination is a pre-condition to be declared as having satisfactorily completed the probation.
- (5) As regards other matters relating to probation, the candidates will be governed by the instructions issued by the Government in this regard from time to time.

#### **10. RECRUITMENT BY PROMOTION.**

Recruitment by promotion to the posts in the Junior Time Scale of the Service shall be made by selection (with due regard to seniority) from

amongst Senior Accounts Officers (Group 'B' Gazetted) in the pay scale of Rs. 8000-135(11) with five years' (combined) service in the grade of Senior Accounts Officer/ Accounts Officer on the recommendations of the Departmental Promotion Committee, the composition of which will be as shown in Schedule-III. The eligibility of officers from the feeder grade shall be determined in accordance with provisions of Note (1) and (2) below Schedule-II. The number of vacancies to be filled up by promotion will be determined in accordance with proviso to rule 7(1)(ii).

### 11. APPOINTMENTS BY DEPUTATION. -

The Government may take on deputation, for specified period, officers of the same grade and pay scale from Central Services Group 'A', for holding posts in the Defence Accounts Department in Senior Time Scale and upto SAG level.

Note -1. The Commission shall not be consulted for selection of officer(s) for deputation from the other Group 'A' Services.

Note -2. The period of deputation in the Service shall be two years initially, extendable upto 3 years.

Note -3. Officers appointed in the Service on deputation shall be entitled to deputation (duty) allowance in accordance with the orders issued by the Government from time to time.

Note -4. If an officer who, after selection for appointment on deputation to a post in the Service, is posted to any post carrying any special pay/special allowances, he will not be entitled to such special pay/special allowances but will draw only the deputation allowance permissible under Note (3) above.

### 12. CONDITIONS OF SERVICE.-

(1) Officers appointed to the Service shall be liable to serve anywhere in India including field service in or out of India.

(2) The conditions of service of the members of the Service in respect of matters for which no provision is made in these rules shall be the same as are applicable, from time to time, to the officers of Central Civil Services in general.

13. DISQUALIFICATION. -

No person, -

(a) Who has entered or contracted a marriage with a person having a spouse living.

OR

(b) Who having a spouse living has entered into or contracted marriage with any person:

Shall be eligible for appointment to the service Provided that the Govt may, if satisfied such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this rule.

14. POWERS TO RELAX. -

Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

15. SAVING. -

Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

16. INTERPRETATION. -

If any question arises relating to the interpretation of these rules, it shall be referred to the Government who shall decide the same.

17. RESIDUARY MATTERS. -

In regard to matters not specifically covered by these rules, or regulations or orders made or issued thereunder or by special order, the

-20-

?  
गुवाहाटी न्यायपीठ  
Gauhati Bench

members of the Service shall be governed by the rules, regulations and orders applicable to the officers of Central Civil Services in general.

File No. F.9(4)/Coord/97

Sd/-

(RAJINDER MOHAN)  
DEPUTY FINANCIAL ADVISER (COORD)

गुवाहाटी न्यायपीठ  
Gauhati Bench

**SCHEDULE-I**  
(See Rule 4)

Designation, Number and Scale of Pay of posts included in the various Grades of the Indian Defence Accounts Service.

**1. Duty Posts:-**

Sl. No.	Grade & Scale of Pay	No. of posts
i)	Controller General of Defence Accounts (Rs. 26000) (fixed)	01
ii)	Additional Controller General of Defence Accounts and equivalent posts (Rs. 24050-650-26000)	02
iii)	Principal Controllers of Defence Accounts and equivalent posts (Rs. 22400-525-24500)	12
iv)	Senior Administrative Grade including three encadered posts of Finance Managers (Rs. 18400-500-22400)	61
v)	Junior Administrative Grade (Non-Functional Selection Grade) (Rs. 11300-400-18300)	126
vi)	Junior Administrative Grade (Rs. 12000-375-16500)	
vii)	Senior Time Scale (Rs. 10000-325-15200)	170
viii)	Junior Time Scale (Rs. 8000-275-13500)	181
	<b>Total duty posts</b>	<b>553</b>

**2. Reserves:-**

i)	Probationer' Reserve	:	24
ii)	Deputation Reserve	:	61
iii)	Leave Reserve	:	05
iv)	Training Reserve	:	05

Total Reserve Posts : 95

Total authorized strength : 648  
(Total of Duty posts and Reserves)

SCHEDULE-II

Method of Recruitment, Field of Promotion and Minimum Qualifying Service in the next Lower Grade for Appointment of Officers on promotion to Duty Posts included in the various Grades of the Indian Defence Accounts Service.

Sl. No.	Grade	Method of Recruitment	Field of Selection and the minimum qualifying service for promotion
1.	2.	3.	4.
1.	Controller General of Defence Accounts	By promotion on the basis of selection.	Officers in the posts carrying the Pay Scale of Rs. 22400-525-24500 with 2 years regular service in the grade, including the service, if any, in the posts carrying the Pay Scale of Rs. 24050-650-26000.
2.	Additional Controller General of Defence Accounts and equivalent posts	By promotion on the basis of selection.	Officers in the posts carrying the Pay Scale of Rs. 22400-525-24500.
3.	Principal Controller of Defence Accounts and equivalent posts	By promotion on the basis of selection.	Officers in the Senior Administrative Grade (Rs. 18400-500-22400) with 3 years' regular service in the grade.
4.	Senior Administrative Grade	By promotion on the basis of selection.	(i) Officers in the Junior Administrative Grade with 8 years' regular service in the grade (including Non-functional Selection Grade of the Junior Administrative Grade (Rs. 14300-400-18300); or (ii) Officers with 17 years' regular service in

			Group 'A' posts in the Service out of which at least 4 years' regular service should be in the Junior Administrative Grade (including service rendered in the Non-functional Selection Grade of the Junior Administrative Grade).
5.	Non-Functional Selection Grade of the Junior Administrative Grade	By promotion according to seniority based on suitability.	Officers in the Junior Administrative Grade (Rs. 12000-375-16500) provided officer has entered the 14 <sup>th</sup> year of Grade 'A' service on the 1 <sup>st</sup> January of the year calculated from year of examination on the basis of which he/she was recruited.
6.	Junior Administrative Grade	By promotion on the basis of selection.	Officers in the Senior Time Scale (Rs. 10000-325-15200) with 5 years' regular service in the grade.
7.	Senior Time Scale	By promotion according to seniority based on suitability.	Officers in the Junior Time Scale (Rs. 8000-275-13500) with 4 years' regular service in the grade.
8.	Junior Time Scale	By selection.	Senior Accounts Officers in the scale of Rs. 8000-275-13500 with 5 years' combined service in the grade of Senior Accounts Officer/ Accounts Officer.

**Note-1.** First January of the year to which the vacancies pertain, shall be crucial date for determining the eligibility of officers for promotion to

गृहाहाटी न्यायपीठ  
Gorakhpur Bench

various grades. The officers who do not fulfil the requirement of minimum qualifying service with reference to the crucial date shall be considered only against vacancies for the subsequent DPC year.

**Note-2.** Where juniors who have completed their qualifying service/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of requisite/eligibility service by more than half such qualifying service/eligibility service or two years' whichever is less and have successfully completed their probation period for promotion to next higher grade along with their juniors who have already completed such qualifying/eligibility service.

गुवाहाटी न्यायपीठ  
Guwahati Bench

## SCHEDULE-III

Composition of Departmental Promotion Committee for considering cases of Promotion and confirmation of Group 'A' officers of the Indian Defence Accounts Service.

Sl. No.	Grade	Departmental Promotion Committee for considering promotion	Departmental Promotion Committee for considering confirmation
1.	2.	3.	4.
1.	Controller General of Defence Accounts (Rs. 26000/- fixed)	(i) Chairman/Member, Union Public Service Commission - Chairman (ii) Secretary, Ministry of Defence - Member (iii) Secretary (Defence Finance)/ Financial Adviser (Defence Services) - Member	
2.	Additional Controller General of Defence Accounts and equivalent posts (Rs. 24050-650-26000)	(i) Chairman/Member, Union Public Service Commission - Chairman (ii) Secretary (Defence Finance)/ Financial Adviser (Defence Services) - Member (iii) Controller General of Defence Accounts - Member	
3.	Principal Controller of Defence Accounts and equivalent posts (Rs. 22400-525-24500)	(i) Chairman/Member, Union Public Service Commission - Chairman (ii) Secretary (Defence Finance)/ Financial Adviser (Defence Services) - Member (iii) Controller General of Defence Accounts - Member	
4.	Senior Administrative Grade (Rs. 18400-500-22400)	(i) Chairman/Member, Union Public Service Commission - Chairman (ii) Secretary (Defence Finance)/ Financial Adviser (Defence Services) - Member (iii) Controller General of	

? 11-6  
गुवाहाटी न्यायपीठ  
Guwahati Bench

		Defence Accounts - Member	
5.	Non-Functional Selection Grade of the Junior Administrative Grade (Rs. 14300-400-18300)	<p>(i) Secretary (Defence Finance)/ Financial Adviser (Defence Services) - Chairman</p> <p>(ii) Controller General of Defence Accounts - Member</p> <p>(iii) Additional Financial Adviser MOD (Finance Division) - Member</p> <p>(iv) Joint Secretary (AN), Ministry of Home Affairs as nominee of Establishment Officer, Department of Personnel &amp; Training - Member</p>	
6.	Junior Administrative Grade (Rs. 12000-375-16500)	<p>(i) Chairman/Member, Union Public Service Commission - Chairman</p> <p>(ii) Secretary (Defence Finance)/Financial Adviser (Defence Services) - Member</p> <p>(iii) Controller General of Defence Accounts - Member</p> <p>(iv) Additional Financial Adviser, MOD (Finance Division) - Member</p> <p>(v) Controller of Defence Accounts/Controller of Finance and Accounts (Factories)/Integrated Financial Adviser - Member</p>	
7.	Senior Time Scale (Rs. 10000-325-16200)	<p>(i) CGDA/Addl.CGDA - Chairman</p> <p>(ii) Principal Controller of Defence Accounts/Principal Controller of Accounts (Factories) - Member</p> <p>(iii) Controller of Defence Accounts/Integrated Financial Adviser</p>	

21.1.2011

6

गुवाहाटी नगरपालिका  
Guwahati Municipal Corporation

		<p>- Member</p> <p>(iv) Additional Financial Adviser, MOD, (Finance Division)</p> <p>(v) Director/DFA (Coord) MOD (Finance)</p> <p>- Member</p>	
8.	Junior Time Scale (Rs. 8000-275-13500)	<p>(i) Chairman/Member, Union Public Service Commission - Chairman</p> <p>(ii) Controller General of Defence Accounts - Member</p> <p>(iii) Additional Financial Adviser / Deputy Financial Adviser MOD (Finance Division)</p> <p>- Member</p> <p>(iv) Principal Controller of Defence Accounts/Principal Controller of Accounts (Factories)/Joint Controller General of Defence Accounts/Controller of Defence Accounts/Controller of Finance &amp; Accounts (Fys)/Integrated Financial Adviser - Member</p> <p>- Member</p>	<p>1) Controller General of Defence Accounts / Addl.CGDA - Chairman</p> <p>2) Additional Financial Adviser/DFA, MOD (Fin) - Member</p> <p>3) Joint Controller General of Defence Accounts/Controller of Defence Accounts/Controller of Finance &amp; Accounts (Fys)/Integrated Financial Adviser - Member</p>

**Note:** The Indian Defence Accounts Service Rules, 2000 were published under SRO No. 66 dated 28<sup>th</sup> February 2000, Gazette of India Part II - Section 4 dated March 11, 2000. These Rules are amended by SRO No. 89 dated 4<sup>th</sup> July 2006, Gazette of India, Part II-Section 4 dated July 9-July 15, 2006.

To

The C.G.D.A  
R.K. PERAM  
New Delhi-66

( Through Proper Channel )

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

21.12.1985

गुवाहाटी न्यायपीठ  
Gauhati Bench

Sir,

With due respect and humble submission, I beg to state that the following few lines for your kind consideration and favourable action please.

That Sir, I have passed SAS Part II examination during 1984. My Roll No was 827. In view of passing SAS Part II examination, I am expecting my provisioning as SO(A) anywhere under your kind control. Sir, may I request your honour to post me to CDA Gauhati on my provisioning as SO(A).

It is only 4 months back i.e. on 2.11.84, I and my wife Mrs. Tapashi Biswas Pt. Auditor A/c No. 8313404 have joined to CDA Gauhati on our transfer from SLA PSD Misseamari. In the event of my being posted out from CDA Gauhati, my family will be greatly disturbed. It will not be possible on her part to stay alone with two minor children in a rented house and naturally I will have to keep my family with me where I will be posted. Moreover, she is also genuine ensuing SAS Part II candidate to be held at July '85. Her examination will also be badly affected.

My provisioning elsewhere other than Gauhati will be adversely affect me, my family with two minor children as well as her service life. The health of the children are also not favourable for rapid shifting from one place to another.

Therefore, I pray that you would be kind enough to consider my case sympathetically and post me to CDA Gauhati on my provisioning as SO(A) so that I can render my service very smoothly and efficiently. For this act of kindness I shall remain ever grateful to you.

Thanking you in anticipation

Yours faithfully,

 11/3/85

(Prasanta Ranjan Biswas )  
Pt. Auditor, A/c. No. 8306194.  
Office of the CDA, Basistha,  
Gauhati-28

*attested*  
by  
Advocate  
Dated: 11.3.85  
CDA Gauhati

To

The CGDA  
West Block-V  
R.K. Puram  
New Delhi-66

(Through CDA Basistha, Gauhati-28)

ANNEXURE R-3

केन्द्रीय प्रशासन अधिकार  
Central Administrative Tribunal

21 JAN 2000

गुवाहाटी न्यायपाल  
Guwahati Bench

Sir,

Most humbly and respectfully, I beg to lay before you the following few lines for your kind consideration and favourable action please.

That Sir, it is learnt that I am due for promotion to the Accounts Officer's grade. I am now serving in the Office of the SIA SD, Dimaipur and my wife Smt Tapashi Biswas AO (A) is serving in the office of the UA 1331 Base Depot under AO (P) Sewak, C/O 99 APO. Both these offices are situated at the same station i.e. Dimaipur. Both of us resumed our duties on 19 Oct 89 only i.e. nine and half months ago. Now I am feared that on my posting on promotion to elsewhere, my wife will face a problem to maintain the minor school going children.

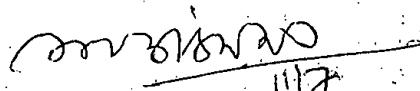
So, in this connection, I am requesting your honour to kindly post me to AO (P) Sewak on my Promotion to AO's grade. I came to know from D.K. Kandaswamy, AO of AO (P) Sewak that he is going to complete his NER tenure and has already applied for his repatriation.

In case of his repatriation is considered, my posting will involve no TA/DA and joining the time. I will be able to stay with my family without being disturbed within a year.

In view of above, I am requesting your kind self to consider my case sympathetically. For this act of kindness, I shall remain ever grateful to you.

Thanking you in anticipation.

Yours faithfully,

  
( P.R. BISWAS )

A.A.O  
A/C No 8306194

Office of the SIA SD Dimaipur

Dated : 11 Jul 90

Dimaipur.

Attested  
By  
person

ANNEXURE R-4

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal

21 JAN 2007

गुवाहाटी न्दायपीठ  
Guwahati Bench

REQUISITION FOR ADVANCE

Received from the Controller of Defence Accounts,  
Guwahati the sum of Rs. 35,000/- (Rupees Thirty five  
Thousand) only on account of Passenger Passenger.

Authority

02/01/00 70/01/2007

Signature

Name in full PRABHNA  
(in BLOCK letter) DAF

Rank DCDA A/c No.  
Office M-O, Guwahati

AO/ACDA/DCDA

Details of TA Claimed:

Details of DA Claimed:

TOTAL

Passed for Rs.:

Only Voucher No.:

treasury Name of Amount of Date of Initial of Initial of  
payee Cheque S/o/Suptt. D/o/o-Sac.

Details:

Transfer 12600/- 6300/- 18900/-

Fare Guwahati 10/- 3000/-

Luggage Guwahati 15000/-

36,900/-

By 3500/-

02/01/2007  
SPECIMEN SIGNATURE  
VERIFIED

PRABHNA  
Auditor S.O. (A) A.A.O. A.O.

D.G.D.A.

82/11

A.O.

ACCUMULATED PAYMENT FOR Rs. 25000/-  
Rupees twenty five thousand

treasury Name of Payee  
Guwahati

Amount of Cheque  
Rs. 3500/-

COUNTERSIGNED

DCDA (An)

DCDA (An)

OFFICE OF THE C.G.D.A., WEST BLOCK V  
RK PURAM, NEW DELHIConfidential

No. AN/IX/9010/I/Sr.Out/10/2007

Dated: 10/8/2007

To

The PCDA/CDA

Subject: Transfer Establishment: DAD, AAOs/SOs(A)  
\*\*\*\*\*

केंद्रीय प्रशासनिक अधिकरण  
Central Admin. & Mktg. Dept.

This office is getting requests on regular basis from a number of SOs(A)/AAOs for transfer to the stations mentioned in the Annexure 'A' to this letter. Many of the individuals are serving at far off stations and some of them are at hard/tenure stations. To facilitate repatriation of the eligible volunteers to the station of their choice, it is proposed to transfer some of the AAOs/SOs(A) from the stations mentioned in Annexure 'A' on station seniority basis by the end of the current academic year 2007-2008.

2. In view of the above, it is requested that service particulars/stay profile in respect of the station seniors for each station cut off date as shown in the Annexure 'A' along with their three choice stations excluding those individuals who will be completing 56 years of age as on 30/6/2008, those AAOs who are falling in zone of promotion to AO's grade upto Roster No. 1125 (Roster as on 01.10.2003) and AAOs belonging to reserved category, who have completed 4 years in the grade may be furnished to this HQs. by 15<sup>th</sup> October 2007 positively.

(a) All the station seniors may please be alerted and informed that they are likely to be transferred out at the end of the current academic session.

(b) For deciding station seniority the period served under the other Commands at the station of present posting, if any should also be taken into account. It is to be ensured that individuals are not transferred out at your end after the names are forwarded to this office till the transfer orders are issued. A facsimile of the proforma for furnishing the service particulars/stay profile is enclosed at Annexure 'B'.

(c) It may specifically be mentioned whether the individual is EDP trained. The nature of training undergone by the individual and whether deployed on EDP work/project and the project on which the individual is deployed may also be shown.

(d) It may be ensured that Roster No. of AAOs are invariably furnished in the list. The fact as to whether the AAO belongs to General Category or Reserved Category may also please be intimated. The date of promotion as SO(A) may also invariably be indicated against each cases of SO(A).

(e) Individuals seeking exemption on medical grounds may be advised to submit supporting documents with their application preferably medical certificate from Govt. Hospital in original. Copies of X-

sterile  
govt  
exempt

32

CX

Pathology Reports may not be forwarded to this office. To enable this office to examine the requests for exemption from transfers on medical ground of self, comments against the Column 'State of Health' in the ACR of the individual concerned for last three years may invariably be mentioned and specific recommendations of the PCDA/CDA on the same be furnished.

(f) A separate list showing the details of individuals who have been exempted from transfer by your office/by this HQrs inter-alia indicating the reasons for such exemption may be furnished. In case any of such exempted individuals irrespective of their age seeks further exemption, their applications may be forwarded together with supporting documents along with CDA's recommendations (Annexure 'C').

(g) A list showing individuals who have already been transferred on station seniority basis and subsequently granted deferment by this HQrs may also be furnished separately indicating the date up to which the transfer is deferred (Annexure 'D').

क्रमांक २१ वार्षिक अधिकारी  
Central Administrative Tribunal

21 JAN 2008

(i)

मुख्यमंत्री विभाग  
Government of India

**FOR PCDA(WC) Chandigarh and PCDA(NC) Jammu**

3. The names of AAOs/SOs(A) with complete service profile whether EDP trained or not and who are organization seniors and have completed 15 years service in the organisation, may also please be sent. It is requested to ensure that no adjustment are made without prior concurrence of this HQrs. once their names are sent to this office. Further, requests for adjustment of organization seniors/station seniors within organization on administrative requirement after issue of transfer orders may not be made.

4. Please also furnish station wise authorized/posted strength of AAOs/SOs(A) as on date and month wise, vacancies likely to arise on account of retirement during the period 1/10/2007 to 30/9/2008.

5. It is requested that names of those individuals who can be adjusted within command, their names may not be included in the list and only in case inter-command transfer is required or the station is centrally controlled, their names may be forwarded.

6. Volunteer if any, the station other than those specified in the Annexure 'A' may be adjusted within the organization by your office.

Please acknowledge receipt.

( Surendra Kumar )  
For CGDA

2011/0006/6

गुवाहाटी न्यायालय

Guwahati Bench

## ANNEXURE-A

S.N	Station	Orgn	Cut off Date 2006	Cut off Date 2007
1	AGRA / MATHURA	R&D ND	30-Jun-2001	30-Jun-2002
2	AGRA / MATHURA	ARMY	30-Jun-2001	30-Jun-2002
3	AGRA / MATHURA	AFDDN	30-Jun-2001	30-Jun-2002
4	ALWAR	SWC	01 Station Sr.	01 Station Sr.
5	AMBAJHARI / NAGPUR / KAMPTEE	AFDDN	30-Jun-2001	30-Jun-2002
6	AMBAJHARI / NAGPUR / KAMPTEE	Fys	30-Jun-2001	30-Jun-2002
7	AMBAJHARI / NAGPUR / KAMPTEE	SC	30-Jun-2001	30-Jun-2002
8	AMBALA	AFDDN	30-Jun-2002	30-Jun-2003
9	AMBALA	WC	30-Jun-2002	30-Jun-2003
10	AMBALA	PD	30-Jun-2002	30-Jun-2003
11	AMBERNATH	Fys	05 Station Sr.	05 Station Sr.
12	AMRITSAR	WC	02 Station Sr.	01 Station Sr.
13	AMRITSAR	PD	01 Station Sr.	01 Station Sr.
14	Ajmer/Nasribad	SC	01 Station Sr.	01 Station Sr.
15	BABINA	CC	02 Station Sr.	02 Station Sr.
16	BALASORE	R&D ND	02 Station Sr.	01 Station Sr.
17	BANGALORE	AFDDN	30-Jun-2000	30-Jun-2001
18	BANGALORE	BLR	30-Jun-2000	30-Jun-2001
19	BANGALORE	CHENNAI	30-Jun-2000	30-Jun-2001
20	BANGALORE	R&D	30-Jun-2000	30-Jun-2001
21	BAREILLY	AFDDN	02 Station Sr.	01 Station Sr.
22	BAREILLY	ARMY	02 Station Sr.	04 Station Sr.
23	BELGUM	BLR	03 Station Sr.	04 Station Sr.
24	BHANDARA	Fys	03 Station Sr.	03 Station Sr.
25	BHATINDA	PD	NIL	NIL
26	BHATINDA	SWC	03 Station Sr.	03 Station Sr.
27	BHOPAL	JBL	30-Jun-2001	30-Jun-2002
28	BHUBANESHWAR	Patna	01 Station Sr.	01 Station Sr.
29	BIKANER	BR	01 Station Sr.	01 Station Sr.
30	BIKANER	SWC	01 Station Sr.	01 Station Sr.
31	BOLANGIR	Fys	03 Station Sr.	03 Station Sr.
32	CHANDA	Fys	02 Station Sr.	02 Station Sr.
33	CHANDIGARH	WC	30-Jun-2001	30-Jun-2002
34	CHANDIGARH	PD	30-Jun-2001	30-Jun-2002
35	CHANDIGARH	AFDDN	30-Jun-2001	30-Jun-2002
36	CHANDIGARH	Fys	30-Jun-2001	30-Jun-2002
37	CHANDIGARH	R&D	30-Jun-2001	30-Jun-2002
38	CHANDIGARH	BR	30-Jun-2001	30-Jun-2002

21 JAN 2002  
गुवाहाटी न्यायपीठ  
Guwahati Bench

-34-

39	CHENNAI / TAMBARAM / AVADI	AFDDN	30-Jun-2001	30-Jun-2002
40	CHENNAI / TAMBARAM / AVADI	CHENNAI	30-Jun-2001	30-Jun-2002
41	CHENNAI / TAMBARAM / AVADI	Fys	30-Jun-2001	30-Jun-2002
42	CHENNAI / TAMBARAM / AVADI	R&D BLR	30-Jun-2001	30-Jun-2002
43	CHENNAI / TAMBARAM / AVADI	NAVY	30-Jun-2001	30-Jun-2002
44	CHENNAI / TAMBARAM / AVADI	CSD	30-Jun-2001	30-Jun-2002
45	COIMBATORE	AFDDN	30-Jun-2001	30-Jun-2002
46	COIMBATORE	CHENNAI	30-Jun-2001	30-Jun-2002
47	DANAPUR	PATNA	04 Station Sr.	04 Station Sr.
48	DASUYA	PD	01 Station Sr.	01 Station Sr.
49	DEHRADUN	ARMY	30-Sep-2002	30-Sep-2003
50	DEHRADUN	Fys	30-Sep-2002	30-Sep-2003
51	DEHRADUN	AFDDN	30-Sep-2002	30-Sep-2003
52	DEHRADUN	R&D ND	30-Sep-2002	30-Sep-2003
53	DEHU ROAD	Fys	02 Station Sr.	02 Station Sr.
54	DELHI	WC	30-Jun-1995	30-Jun-1996
55	DELHI	AFDDN	30-Jun-1995	30-Jun-1996
56	DELHI	BR	30-Jun-1995	30-Jun-1996
57	DELHI	R&D ND	30-Jun-1995	30-Jun-1996
58	DELHI	PD	30-Jun-1995	30-Jun-1996
59	DELHI	NAVY	30-Jun-1995	30-Jun-1996
60	DELHI	CSD	30-Jun-1995	30-Jun-1996
61	DELHI	PCDA ND	30-Jun-1995	30-Jun-1996
62	DELHI	AF ND	30-Jun-1995	30-Jun-1996
63	DELHI	CDA IDS	30-Jun-1995	30-Jun-1996
64	FATEHGARH	CC	02 Station Sr.	02 Station Sr.
65	GAYA	Patna	02 Station Sr.	02 Station Sr.
66	GORAKHPUR	PD	01 Station Sr.	01 Station Sr.
67	GORAKHPUR	AFDDN	01 Station Sr.	01 Station Sr.
68	GURDASPUR	PD	01 Station Sr.	01 Station Sr.
69	GURDASPUR	WC	01 Station Sr.	01 Station Sr.
70	GURGAON	PD	01 Station Sr.	01 Station Sr.
71	GUWAHATI	GUW	10 Station Sr.	10 Station Sr.
72	GUWAHATI	BR	02 Station Sr.	02 Station Sr.
73	GUWAHATI	AFDDN	NIL	NIL
74	GWALIOR	AFDDN	30-Jun-2002	30-Jun-2003
75	GWALIOR	JBL	30-Jun-2002	30-Jun-2003
76	HAMIRPUR	PD	01 Station Sr.	01 Station Sr.
77	HISSAR	SWC	02 Station Sr.	02 Station Sr.
78	HISSAR	PD	01 Station Sr.	01 Station Sr.
79	JAIPUR	SWC	30-Jun-2002	30-Jun-2003
80	JAIPUR	PD	30-Jun-2002	30-Jun-2003

-35-

81	JALANDHAR	PD	30-Jun-2001	30-Jun-2002
82	JALANDHAR	WC	30-Jun-2001	30-Jun-2002
83	JAMMU	NC	30-Jun-2002	30-Jun-2003
84	JAMMU	AFDDN	30-Jun-2002	30-Jun-2003
85	JAMMU	PD	30-Jun-2002	30-Jun-2003
86	JAMMU	BR	30-Jun-2002	30-Jun-2003
87	JAMMU	CSD	30-Jun-2002	30-Jun-2003
88	JAMMU	WC	30-Jun-2002	30-Jun-2003
89	JHANSI	CC	30-Jun-2002	30-Jun-2003
90	JODHPUR	SC	03 Station Sr.	03 Station Sr.
91	JODHPUR	AFDDN	01 Station Sr.	01 Station Sr.
92	KANPUR	AFDDN	01 Station Sr.	01 Station Sr.
93	KANPUR	CC	03 Station Sr.	03 Station Sr.
94	KANPUR	Fys	10 Station Sr.	10 Station Sr.
95	KANPUR	PD	01 Station Sr.	01 Station Sr.
96	KANPUR	R&D ND	NIL	NIL
97	KAPURTHALA	WC	01 Station Sr.	01 Station Sr.
98	KAPURTHALA	PD	NIL	NIL
99	KERELA Station	NAVY	30-Sep-2001	30-Sep-2002
100	KERELA Station	R&D BLR	30-Sep-2001	30-Sep-2002
101	KERELA Station	CHENNAI	30-Sep-2001	30-Sep-2002
102	KOLKATA	FYS	10 Station Sr.	10 Station Sr.
103	KOLKATA	Patna	05 Station Sr.	05 Station Sr.
104	LUCKNOW	AFDDN	30-Jun-2002	30-Jun-2003
105	LUCKNOW	CC	30-Jun-2002	30-Jun-2003
106	LUCKNOW	BLR	30-Jun-2002	30-Jun-2003
107	LUDHIANA	PD	01 Station Sr.	01 Station Sr.
108	MANDI	PD	01 Station Sr.	01 Station Sr.
109	MEDAK	Fys	03 Station Sr.	03 Station Sr.
110	MEERUT	ARMY	30-Jun-2001	30-Jun-2002
111	MEERUT	PD	30-Jun-2001	30-Jun-2002
112	MEERUT	TRG	30-Jun-2001	30-Jun-2002
113	MEERUT	FUNDS	30-Jun-2001	30-Jun-2002
114	MHOW	JBL	02 Station Sr.	02 Station Sr.
115	PALAMPUR	PD	01 Station Sr.	01 Station Sr.
116	PATHANKOT	PD	30-Jun-2002	30-Jun-2003
117	PATHANKOT	WC	30-Jun-2002	30-Jun-2003
118	PATHANKOT	BR	30-Jun-2002	30-Jun-2003
119	PATIALA	WC	02 Station Sr.	02 Station Sr.
120	PATIALA	PD	01 Station Sr.	01 Station Sr.
121	PATNA	BR	01 Station Sr.	01 Station Sr.
122	PATNA	PATNA	05 Station Sr.	05 Station Sr.

21 JAN 2003

গুৱাহাটী ন্যায়পৌঁছ  
Guwahati Bench

123	RAMGARH	PATNA	05 Station Sr.	05 Station Sr.
124	ROORKEE	ARMY	30-Jun-2002	30-Jun-2003
125	SECUNDERABAD / HYDERABAD	Sec'bad	30-Jun-2000	30-Jun-2001
126	SECUNDERABAD / HYDERABAD	CHENNAI	30-Jun-2000	30-Jun-2001
127	SECUNDERABAD / HYDERABAD	AFDDN	30-Jun-2000	30-Jun-2001
128	SECUNDERABAD / HYDERABAD	R&D HYD	30-Jun-2000	30-Jun-2001
129	SHIMLA	WC	02 Station Sr.	02 Station Sr.
130	SHIMLA	BR	01 Station Sr.	01 Station Sr.
131	SHIMLA	PD	01 Station Sr.	01 Station Sr.
132	SILCHAR	GUW	02 Station Sr.	02 Station Sr.
133	SILCHAR	BR	01 Station Sr.	01 Station Sr.
134	SILIGURI	PATNA	03 Station Sr.	03 Station Sr.
135	SRINAGAR	BR	01 Station Sr.	01 Station Sr.
136	SRINAGAR	NC	05 Station Sr.	05 Station Sr.
137	SRINAGAR	PD	01 Station Sr.	01 Station Sr.
138	TRICHY	Fys	30-Jun-2002	30-Jun-2003
139	TRIVANDRUM	CHENNAI	02 Station Sr.	02 Station Sr.
140	UDHAMPUR	NC	05 Station Sr.	05 Station Sr.
141	VARANASI	CC	30-Jun-2001	30-Jun-2002
142	VIZAG	Sec'bad	30-Jun-2001	30-Jun-2002
143	VIZAG	NAVY	30-Jun-2001	30-Jun-2002
144	VIZAG	R&D HYD	30-Jun-2001	30-Jun-2002
145	YOL	NC	02 Station Sr.	02 Station Sr.
146	YOL	PD	01 Station Sr.	01 Station Sr.

(v) Always bearing in mind the fact that they are responsible officers of the Department, representing the Principal Controller/Controller to the authorities with whom they deal.

### EDUCATION OF OFFICERS AND ESTABLISHMENTS

363. The education of officers and establishments of the Department in their official duties is a matter of primary importance in relation to efficiency and the Controller should pay attention to it. He should also take adequate steps to ensure that all officers and SOs (A) in his office realise that it is their duty to impart such instruction to establishments serving under them as will ensure that they become efficient in their duties in the minimum time possible.

364. The manner in which the education of officers and establishments can best be carried out is left to the discretion of Principal Controllers/Controllers. The following means are suggested for adoption :

- (1) Short lectures of about 10 or 15 minutes duration occasionally by the Principal Controller/Controller to his officers, and discussion with them on general subject e.g., financial advice, higher audit, etc.
- (2) Short lectures by IDAS Officers or Senior Accounts Officers/Accounts Officers to Assistant Accounts Officers/Section Officers (Accounts) and Senior Auditors of their section on particular branches of the work and on their general duties.
- (3) Lectures by selected Assistant Accounts Officers/Section Officers (Accounts) to candidates for the Subordinate Accounts Service Examination on the subjects for that examination.
- (4) Verbal instructions by officers to junior clerks on such matters as the avoidance of common mistakes and incorrect expressions in drafting letters, a methodical system of work and disposal of correspondence, the importance of keeping work absolutely current, the upkeep of registers, or other

( 217 )

subjects, a knowledge of which will improve their general efficiency.

*Note : Except in the case of (3) above, such instructions should ordinarily be given during the normal office hours but should not be allowed to interfere with the ordinary routine of work.*

365. General knowledge of the Defence Services Organisation is of great value and advantage should be taken of any opportunity that officers of increasing such knowledge. For example, Principal Controllers/Controllers should arrange for a body of officers, Assistant Accounts Officers, Section officers (Accounts), Senior Auditors/Auditors and Clerks to be taken round a Store Depot, or other formation and have the work of the formation explained to them by an officer serving with it. General knowledge of this nature is particularly important in the case of the Local Audit Staff and each L.A.O. should ensure that the staff working under him are made fully conversant with the work of all the formations in his audit area.

366. It is possible in certain cases for officers to take work direct from one or more selected clerks in a section. This should be done to the extent possible as it relieves the A.A.O./SO(A) of some of his work and thereby enables him to devote more time to the instruction of the members of his section. It also affords an opportunity to the Accounts Officer/Senior Accounts Officer/A.C.D.A. in-charge Section of giving individual instructions to one or more Senior Auditors/Auditors and Clerks in his Section.

367. The general duties of Group Officers, Senior Accounts Officer, Accounts Officer/Hindi Officers/A.C.D.A. in-charge sections and A.A.Os/Section Officers (Accounts) of Sections are detailed in Appendix I to this Manual.

### TRANSFER POLICY GENERAL

368. The fundamental principles governing the transfers of members of the Department from one office to another are (1) to safeguard the interests of Government and to maintain the efficiency of the service in the highest possible

38  
42  
a) (i) to ensure equality of treatment for all so far as possible to attain this (3) to make the A.A.Os/Section Officers (Accounts) proficient all round in the work of the department to enable them to occupy pivotal positions, and (4) to meet the convenience and wishes of individuals when there is an opportunity of doing so with due regard to the interests of the service.

369. The broad principles given in the succeeding paragraphs will be observed when dealing with transfers of staff. Within these broad principles, Principal Controllers/Controllers may formulate their detailed transfer policies to suit their own particular circumstances.

- (i) Periodical transfers are necessary and will be effected under certain circumstances (i) to repatriate individuals serving at tenure and difficult stations, (ii) to give all members a chance to serve at popular stations of their choice, as far as possible and (iii) to shift individuals employed on sensitive assignments, on completion of the prescribed tenure(s). Such transfers should normally coincide with the end of the scholastic year in schools/colleges.
- (ii) For the purpose of effecting periodical transfers, Principal Controllers/Controllers will draw up lists of (a) stations in their organisations which may be regarded as tenure/hardship stations, due to lack of the normal amenities of life, or due to difficult conditions of service etc., and which are therefore, very unpopular with the staff and (b) 'popular' stations, postings to which are in great demand. Cities with a considerable population, having schools/colleges, hospitals etc., will not be categorised as "difficult" stations, merely because a section or sections of the staff are reluctant to serve there.
- (iii) It will be ensured that individuals posted to tenure/hardship stations are not required to serve at such stations for unduly long periods. They will be posted out at State expense on completion of tenures in tenure stations or, in case of hardship

stations, after a reasonable period, which will be determined by Principal Controllers/Controllers with due regard to all relevant factors, such as the degree of unpopularity of the station, difficulty in finding suitable replacements etc. While a period of three years should be appropriate in most cases, Principal Controllers/Controllers will have the discretion to reduce the period suitably in exceptional cases, where such reduction is warranted or to increase it in the case of certain hardship stations, where it is not possible to rotate the staff every three years. The periods for rotation of staff in hardship stations need not be fixed or inelastic.

Where there are offices of more than one Principal Controller/Controller, at a station categorised as a tenure/hardship station, the practice followed in rotating the staff should, as far possible, be uniform and will be settled by the Principal Controllers/Controllers concerned, by mutual consultation, and with the approval of CGDA's office.

- (iv) Individuals due to be posted out of difficult stations will be accommodated at one of three stations of their choice, to be specified by them, to the extent administratively feasible. Selection of staff for manning vacancies at difficult stations will be made from amongst those serving at popular or other stations, with due regard to their stay at the present stations, their previous service etc.

370. Transfers of individuals serving at popular stations will be effected generally on the basis of seniority of stay at those stations, barring compassionate cases, cases where the P.C.D.A./C.D.A. considers the retention of an individual to be essential in the interests of work etc., to the extent necessary to accommodate members who have a legitimate claim to serve at such stations and those who are being repatriated; after a spell of service, at difficult stations.

371. Individuals holding sensitive assignments in sub-offices will be transferred out on completion of the prescribed tenures unless they can be retained in a non-sensitive assignment in a different office, at the same station.

( 220 )

### TRANSFERS FROM STATIC OFFICES.

372. In the case of static offices, viz. CDA(O), Pune, JCDA (Funds), Meerut and PCDA(P), Allahabad, a limited number of persons will be transferred out at convenient intervals, at the discretion of the CGDA, to the offices of the regional PCsDA/CsDA at respective stations in order to widen their experience of work. Such persons, after their local transfer, will be considered for transfer outside, on the basis of station seniority, after they have completed a year's service, in the local offices of the Principal Controllers/Controllers concerned and familiarised themselves with the main office to some extent.

Individuals serving at AVADI and CALCUTTA under Controllers of Accounts (Factories), Mumbai under CDA (Navy) and New Delhi under PCDA, New Delhi will be similarly liable for inter command transfer as indicated below :

- AVADI— To the Office of CDA Chennai or to the sub offices of CDA Bangalore at Chennai.
- MUMBAI— To the sub-offices of P.C.D.A.(S.C.) or C.D.A. (A.F.) at Mumbai.
- CALCUTTA— To the Sub-offices of C.D.A. (Patna) at Calcutta.
- NEW DELHI—To the sub office of C.D.A. (P.D.); CDA (R & D) and their sub-offices or the sub-offices of PCDA (WC) or CDA (AF).

### EXEMPTION FROM TRANSFERS

373. Persons above <sup>1</sup>[54 years] of age will not normally be subjected to transfer. Such persons, if not serving at their home stations or stations of choice, will be repatriated to those stations (if so desired by them) to the extent administratively feasible.

374. Where husband and wife are both serving in this Department, efforts will be made to post them to, or retain them at the same station, for the periods and to the extent administratively feasible.

Husband and wife teams, even when one of them is serving outside the Department, order other central Government Departments/Public Sector undertakings/State Governments may as far as possible and within the constraints of administrative convenience be considered for posting at the same station or if there is no vacancy/post in that station to the state where the other spouse is posted.

375. In case where an employee, or a member of his

1. **NOTE FOR READERS** :—As the retirement age has been raised from 58 years to 60 years this may require corresponding upward revision.

( 221 )

family, is suffering from serious ailments such as cancer, polio, blindness, mental disease, paralysis etc., Principal Controllers/Controllers may, at their discretion grant exemption from transfers, for a specific/limited period, provided the disease is certified by the authorised specialist. The case may be reviewed after the period of exemption is over.

Physically handicapped employees may be granted exemption from transfer taking into account the seriousness of the physical disability of the employee due to loss of limbs, spinal cord injuries, paralysis, parasis, visual disability etc.

376. The President and the General Secretary of the Headquarters Associations will be exempted from transfer, for so long as they hold these offices. In the case of Branch Associations at the Headquarters Office of Principal Controllers/Controllers, the President and General Secretary will be exempted from transfer during the first year of their appointment to that office. Other office bearers of Associations (including the President and the General Secretary of Branch Associations, except as stated above) and staff-side members of office Councils are liable for transfer, in their turn.

### TRANSFERS BY MUTUAL EXCHANGE

377. Principal Controllers/Controllers will be competent to consider and accept requests for transfer by mutual exchange within their organisations. Applications for inter-command transfers on the basis of mutual exchange, will be referred to the CGDA, keeping in view the guidelines laid down by the C.G.D.A.

### GENERAL

378. (i) The above mentioned guidelines will not apply to transfers on administrative grounds, which may be effected at the discretion of the administration.

(ii) Those Principal Controllers/Controllers who have an all-Indian Jurisdiction will endeavour, to have a system of zonal transfers for rotation of staff, where it is necessary, according to the principles cited above, so that the staff of certain regions can be rotated within these zones, and they can serve at reasonable distances from their home states.

379. Subject to the above general principles being observed as far as possible, Principal Controllers/Controllers will exercise their discretion in selecting Assistant Accounts Officers/Section Officers (Accounts), Senior Auditors, Auditors and Clerks for transfer outside the main office and between sub-offices.

Applications for transfer on compassionate grounds, Senior Accounts Officers/Section Officers, Senior Auditors, Auditors and Clerks outside the jurisdiction of the Principal Controller/Controller will be considered by the C.G.D.A. on the recommendation of the Principal Controller/Controller concerned. While forwarding applications to the C.G.D.A. for transfer on compassionate grounds, the particulars in respect of the individual(s) concerned as laid down by the C.G.D.A. from time to time should be furnished and those for transfers to stations within the Controller's own jurisdiction will be dealt with by the Controller concerned. In such cases of transfers on compassionate grounds, no TA or joining time will be admissible. The period of transit from one office to another in such cases should, therefore, be covered by the grant of sanctioned leave (except casual or compensatory leave) at the credit of the individual.

*Note 1 : An individual selected for transfer to the organisation of another Principal Controller/Controller by the C.G.D.A. should immediately on receipt of such orders be transferred forthwith to the strength of the office to which it has been decided to transfer him. If the individual is absent after being struck off from duty, on transfer, it will then be the responsibility of the new Principal Controller/Controller to regularise the individual's absence and to take such action as is considered necessary to ensure his attendance in the new office. If however, the individual happens to be on sanctioned leave at the time of receipt of order of transfer from the C.G.D.A., the transfer should be effected by the old Principal Controller/Controller from the date following the current spell of sanctioned leave.*

*Note 2 : In case of individuals applying for transfer to the C.G.D.A. to join their spouses, the following additional information may also be furnished.*

- (a) Name/Designation, Account No. of the applicant.
- (b) Name/Post held by husband/wife of the applicant indicating the organisation and also whether it is Government service, public sector etc.
- (c) Date of marriage.
- (d) Date from which separated from husband/wife.

## HANDING/TAKING OVER REPORTS

381. At the time of change in incumbency in the posts of Clerks and upwards upto the level of Group Officers/Dy. C.D.A. both in the Controller's office and Sub-Offices, handing and taking over reports will be prepared in the prescribed form given in Annexure 'A' to this chapter. The form may be modified or amplified by the Principal Controllers/Controllers to suit local conditions and to provide for items of work peculiar to the particular charges.

The distribution of Handing/Taking over Reports will be as follows :

1. G.O./Dy. C.D.A.	1 Copy – Office copy 1 Copy – AN Section of the Main Office 1 Copy – Relieving Officer 1 Copy – Relieved Officer 1 Copy – Office Clerk 1 Copy – AN Section of the Main Office 1 Copy – Group Officer 1 Copy – Relieving Officer 1 Copy – Relieved Officer 1 Copy – Office Copy 1 Copy – Senior Accounts Officer Accounts/Officer 1 Copy – Group Officer 1 Copy – Relieving Officer 1 Copy – Relieved Officer 1 Copy – Office copy 1 Copy – Assistant Accounts Officer/Section Officer (Accounts) 1 Copy – Senior Accounts Officer/Accounts Officer 1 Copy – Relieving Officer 1 Copy – Relieved Officer
2. Senior Accounts Officer/Accounts Officer	
3. Assistant Accounts Officer/Section Officer (Accounts)	
4. Senior Auditors/ Auditors/Clerks	

The Handing/Taking over Reports in respect of Officers at item (1) and (2) above will be put up to the P.C.D.A./C.D.A./Joint C.D.A. by the Administration Section of the Main Office for information.

Assistant Accounts Officer/Section Officer (Accounts), Accounts Section attached to MES formations, will, however, render transfer reports on I.A.F.(CDA) 296 as prescribed in Para 501 et. seq. of MES Accountants Manual.

382. to 384. Blank.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: AT GUWAHATI

File by : *✓*  
The Applicant  
through *Hans*  
Advocate  
21.1.08

D.A. No. 297/2007

Shri Prasanta Ranjan Biswas.

..... Applicant.

AND

Union of India & ors.

..... Respondents.

REJOINDER FILED BY THE APPLICANT

1. That a copy of the written statement has been served upon the applicant and the applicant has gone through the same and understood the contents thereof. Save and except the statements which are specifically admitted herein below other statements made in the application are totally denied. The statements which are not borne on records are also denied and the respondents are put to the strictest proof thereof.

2. That before placing the para wise comments and without prejudice to such parawise comments the applicant begs to state that the written statement filed by the respondents is defective and contrary to the settled law holding the field. The written statement have been stated to be filed by the respondents whereas the respondent No.4 is a private respondent and the learned CGSC cannot hold the brief of a private person against whom there are allegations of malafide. Apart from that the verification does not certain name, address and designation of the person who

गुवाहाटी बायपोर्ट  
Gauhati Bench

verified it nor he has specified any authority to do so on behalf of the other respondents including the Secretary to the Govt. of India, Ministry of defence. In such an eventuality the practice adopted by the respondents in taking the things so casually that to while representing the brief for Secretary of defence is totally uncalled for and same is required to be rejected.

3. That with regard to the statement made in para 1 of the written statement the deponent does not admit anything contrary to the relevant records of the case. The service conditions of defence accounts department is guided with bonafide exercise of power.

4. That with regard to the statement made in para 2 of the written statement the deponent begs to state that having regard to the commitment of the respondents to the armed forces to serve the nation there is no denial to the fact that the workings of the organisation requires fair consideration of the matters relating to posting and transfer. Such posting and transfer should not be at the behest of some individual interest. Transfer and posting orders issued in respect of Respondent No.4 has been modified in number of times only with the sole purpose to accommodate him in his present place of posting. It is therefore would not be proper for the respondents to say that the impugned order of transfer has been issued in the interest of public.

From the records it reveals that the as many as four times the transfer orders issued to the Respondent No.

4 have been modified/ canceled to accommodate him in Guwahati office and this will demonstrate how the respondent organisation has been serving the public interest.

The applicant had occasions to serve various hard stations and even he had occasion to serve foreign country like Bhutan and serve in field area in O.P. Cactus Lily, in Silchar during the period of Bangladesh War in 1971-72.

5. That with regard to the statement made in para 3 of the written statement the deponent begs to state that the case laws cited by the respondents rather helps the case of the applicant as the present issue cropped up from the impugned order of transfer vitiated by malafide and same has not been issued in the interest of public. The case laws cited by the respondents are in respect of pure and simple orders of transfer issued in the interest of public whereas in the present case the order of transfer has been issued with malafide interest to accommodate the private respondent and the official respondents have not been able to controvert the specific allegation and same goes unrefuted.

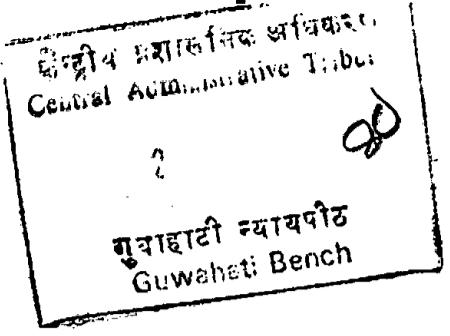
6. That with regard to the statement made in para 4 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

7. That with regard to the statement made in para 5 of the written statement the deponent while denying the contentions made therein begs to state that in terms of Sec 3(q) and Sec 14 of the Administrative Tribunal Act 1985, the jurisdiction to adjudicate the issue raised by the applicant

lies within the territorial jurisdiction of the Hon'ble Tribunal and the Hon'ble Tribunal having regard to the stand taken by the respondents very well entertain the OA and to set aside the impugned order of transfer as the same has been vitiated with clear cut malafide.

8. That with regard to the statement made in para 6 of the written statement the deponent while denying the contentions made therein begs to state that apart from making statements the respondents have not been able to show any records from which they can establish that the impugned order of transfer has been issued in the interest of public. Even the respondents have not been able to say as to why several attempts have been made to accommodate the respondent No. 4 at Guwahati.

9. That with regard to the statement made in para 7 of the written statement the deponent while denying the contentions made therein begs to state that most of the major Army units / formations and Offices are located at NER and as such in comparison to other regions more staff are required in NER. Having All India Transfer liability in the service condition does not mean that even without any requirement an officer is to be transferred to outside NER as a routine manner. The applicant had occasions to service various hard stations in the NER which are perhaps not the better posting than outside NER. The statements relating to showing compassion in the matter of transfer and posting to the applicant does not provide liberty to the respondents to do illegality in future.



10. That with regard to the statement made in para 7 (a) of the written statement the deponent while denying the contentions made therein begs to state that the respondents while canceling the order of transfer issued to him to Kolkatta, he was posted to a harder station i.e. Missamari.

11. That with regard to the statement made in para 7 (b) of the written statement the deponent while denying the contentions made therein begs to state that the respondents while considering his retention at Dimapur posted him to Kohima which is one of the hardest station in the country and thereafter he was posted to Silchar which is also a equally hard station. It is therefore crystal clear about the attitude of the respondents as to how they have shown their compassion to the applicant in the matter of posting.

12. That with regard to the statement made in para 8 of the written statement the deponent while denying the contentions made therein begs to state that the tenure prescribed so far it relates to the applicant is concerned is 5 years, whereas he has only completed 2 years and 6 months in the present place of posting, whereas in the feg end of his service career he has been posted to far away place without taking into consideration his health condition. It is noteworthy to mention here that there are number of officers who can be posted in the place where the applicant has been transferred and he can be very well accommodated in his present place of posting till his retirement.

13. That with regard to the statement made in para 9 of the written statement the deponent while denying the contentions made therein begs to state that the Respondent No. 4 was initially posted to IFA 3, Crops, located at Dimapur, vide H.Q Office letter No AN/11/2153/TR.254 dated 3.5.07 but he did not join and the said order was modified. Thereafter he was posted to CDA Guwahati as Sr. A.O. and he was entrusted with the job of IFA 3 Crops vide order dated 23.7.07, but he did not join and the said order was modified again. Again on third occasion he was transferred and posted to Pay and Accounts Office Shillong, vide order dated 14.8.07 but he did not join and the said order was again canceled and lastly, he was posted on promotion in the office of the CDA Guwahati, through the impugned order. The aforesaid sequence of events clearly indicates that within a span of 3/4 months all three transfer orders were modified to accommodate the private respondent.

14. That with regard to the statement made in para 10 of the written statement the deponent while denying the contentions made therein begs to state that he applied for retention at Sewak but he did not get any consideration and he was posted to Kohima subsequently which is not his choice place of posting. In the 2-nd occassion he was posted to Silchar, which was also not his choice place of posting and similarly he was posted to Shillong which is also not his choice place of posting. From the above it is clear that none of the aforesaid occassions he was favoured with any such compassion what so ever by the respondents.

21 JAN 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

15. That with regard to the statements made in para 11 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

16. That with regard to the statement made in para 12 of the written statement the deponent while denying the contentions made therein begs to state that admittedly the order dated 26.11.07 is a non-speaking order and same does not indicate the reason as to why his prayer was not considered. It is noteworthy to mention here that there is no law of the land which prevents the respondents in passing a speaking order.

17. That with regard to the statement made in para 13 of the written statement the deponent while denying the contentions made therein begs to state that the contentions of the respondents towards not enclosing the circular dated 10.08.07 is totally misleading and self contradictory. The said circular dated 10.08.07 has been issued with the endorsement as "confidential" and as such it is not possible on the part of the applicant to get hold of the same. Apart from that it is totally wrong on the part of the respondents to say that the policy enclosed as Annexure R/6, to the written statement is not applicable to him, as he is not a staff but an officer. Clause 638 of the said policy clearly indicates the word "the members of the department" not staff and the particular clause 373 denotes "person" not staff or officer. The respondents being a model employer ought not to have taken such flimsy stand to side-track the main issue raised in the OA. Admittedly the case of the applicant is covered by the clause 373 and 374 of the said

21 JAN 2008

गुवाहाटी न्दायपीठ  
Guwahati Bench

policy.

18. That with regard to the statement made in para 14 of the written statement the deponent while denying the contentions made therein begs to state that taking into consideration the clause 373 and 374 of the Official Service Manual, the applicant is entitled to get his posting at his home town or station of his choice and the respondents should have retained him at the place of posting where his wife is also posted.

19. That with regard to the statement made in para 15 and 16 of the written statement the deponent while denying the contentions made therein begs to state that while admitting the fact of his posting at Bhutan, the respondent ought not to have made any such further comment that he was never posted out side NER. It is stated that the respondents never during his service tenure considered his choice place of posting rather he was posted in far more difficult areas and it was because of this attitude the applicant has come under the protective hands of the Hon'ble Tribunal.

20. That with regard to the statement made in para 17 and 18 of the written statement the deponent while denying the contentions made therein begs to state that the respondent by side tracking the main issue totally avoided to answer the question paused by the applicant towards the reason as to why many a time the respondent No. 4 has been favored and for him why in number of occasions the orders of transfer and posting have been canceled / modified. The favour shown by the official respondent towards the

*Basanta Ranjan Biswas*

21 JAN 2009

गुदाहाटी न्यायपीठ  
Gudahati Bench

84

Respondent No. 4 is also clear from the fact that the said Respondent No. 4 has even not been troubled with filing of separate written statement. The official respondents through learned CGSC has espoused the cause of the private respondent and the fact itself is a clear demonstration of malafide and involvement of private interest in the issuance of impugned order of transfer, which was in fact issued at the behest of the Respondent No. 4.

Taking into consideration the overall controversy, the applicant prays before the Hon'ble Tribunal to enforce the respondents to place the records of the case including the reason as to why the earlier three occasions the order issued in favour of the respondent No 4 have been canceled / modified, including the following orders;

(a) Letter No AN/112153/TR.254 dated 3.5.07.

(b) Office order No AN/111/2153/TR-254 dated  
23.7.07 and ;

(c) HQ letter No. AN/11/2153/TR-313 dated 14.8.07.

21. That the deponent begs to state that the matter came up before the Hon'ble Tribunal on 18.1.08 and the Hon'ble Tribunal was pleased to make some quarry relating to the tenure of the colleagues of the applicant. In this connection it is stated that there are as many as 10 such officers who are in posting in the same station since 2003, whereas the applicant's tenure started much later i.e. 19.5.05 as per the statutory Pink List as on 1.11.07.

The applicant craves leave of the Hon'ble Tribunal to place the said list at the time of hearing of the case.

*Rasanta Rayjan Biswas*

কেন্দ্ৰীয় প্ৰশাসনিক অধিদৰণ  
Central Government of India

21 JAN 2009

গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

— 10 —

22. In view of the above facts and circumstances of the case the OA deserves to be allowed with cost.

28

28

Prasanta Rayjan Biswas

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

21 JAN 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

VERIFICATION

I, Sri Prasanta Ranjan Biswas, aged about 58 years, son of late R.R.Biswas, presently resident of Patharkuchi Road, Nobodoy Nagar, House No.17, Basistha, Guwahati-29, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3-7, 9, 15, 18, 19..... are true to my knowledge and those made in paragraphs 8, 10-14, 16-17, 20-21..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am the applicant in the instant application and as such well convergent with the facts and circumstances of the case and also competent to swear the verification.

And I sign on this the Verification on this the 21<sup>st</sup> day of January of 2008.

Prasanta Ranjan Biswas

Signature.

File

ffices

File in Court on 29.1.08  
by Court Officer.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : D.A. No. 297 of 2007

BETWEEN

Sri Prasanta Ranjan Biswas ..... Applicant

AND

Union of India & ors ..... Respondents

I N D E X in Written Argument

S.I.No.	Particulars	Page No.
1.	Written argument	1 to 10
2.	Verification	11
3.	Annexure-1	12
4.	Annexure-2	13 - 28
5.	Annexure-3	29 - 31

\*\*\*\*\*

Filed by : Has

Regn. No. :

File : D:\private\Prasanta

Date : 29.1.08

Prasanta Biswas  
Sr. L.A.O.  
29.01.08

92  
Filed by:  
The Applicant  
through  
Hridip K.S. Das-  
Advocate  
29.1.08

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: AT GUWAHATI

O.A. No. 297/2007

Shri Prasanta Ranjan Biswas.

..... Applicant.

AND

Union of India & ors.

..... Respondents.

IN THE MATTER OF

A written submission on behalf of the applicant controverting the issue raised by the respondents in the reply to the rejoinder.

i. That a copy of the reply to the rejoinder has been served upon the applicant and the applicant has gone through the same and understood the contents thereof. Save and except the statements which are specifically admitted herein below other statements made in the reply to the rejoinder are totally denied. The statements which are not borne on records are also denied and the respondents are put to the strictest proof thereof.

Prasanta Ranjan Biswas.

2. Facts leading to filing of the O.A.:-

The applicant who is holding the post of Deputy Controller of Defence Accounts and posted at Guwahati assailing the order of transfer dated 2.11.07 as well as the orders dated 26.11.07 refusing to accept his prayer for retention of his service at Guwahati and the order of relieving him from duty preferred the present O.A.

The grounds enumerated in the OA are violation of statutory provisions and malafide action on the part of the respondents at the behest of the named private respondent. It has also been pointed out in the OA that having regard to his age and the present ailment doesnot permit the applicant to leave his present place of posting.

The Hon'ble Tribunal on 29.11.07 while issuing notice take note of the fact that in terms of the provision contained in the Office Manual Part I, he is entitled to get due consideration and the Hon'ble Tribunal by passing interim order protected his service.

The Respondents in response to the notice submitted written statement controverting some of the pleas raised in the OA. In fact the written statement was filed without any authority and same has been stated to be filed on behalf of private respondents also. In the said written statement the respondents failed to controvert the specific allegation of malafide. The respondents only took a limited stand that the rule referred to by the applicant is applicable to staff only not to the officers and the

applicant having all India transfer liability is required to serve outside N.E.R.

3. The applicant submitted a detailed rejoinder wherein he has taken the following pointed issues:-

a. The written statement submitted by the respondents is defective and same has been filed without any authority.

b. The respondent No.4 the named private respondent has not filed any written statement denying the allegation of malafide.

c. The service condition all India transfer liability does not require an officer to move outside NER as a matter of course where there is no real need that to accommodate and to serve a private interest. There are number (at least 3 nos.) of IDAS Officers in NER who served NER and who are yet to be posted out of the NER, through out their service tenure.

d. Admittedly the applicant who had occasion to serve many hard stations within NER as well as he was once posted to Bhutan, the allegation of not being transferred out from NER is not correct.

e. While referring to malafide pointed query was raised as to why in case of respondent No.4 the transfer order issued earlier transferring him out from Guwahati thrice, were canceled.

f. The rule referred to in the O.M. part I is applicable to all the officers including the present applicant.

4. The respondents submitted their reply to the rejoinder pointing out the fact that the rules in Office Manual Part-I is not applicable in respect of the officer and at the same time, they admitted the fact that had the rule been applied to him, he would not have been transferred out. The respondents indicated some example.

The respondents also pointed out the fact that in case of Respondent No.4 due to non availability of vacancy at Shillong he was kept at Guwahati.

5. That the applicant begs to state that the reply to the rejoinder filed by the respondents is nothing but a letter addressed to Sr. C.G.S.C. which cannot be taken cognizance of and same is without any authentication.

It is stated that Annexure-R/1 to the written statement is the IDAS Rule, 2000 dealing with the method of recruitment but the respondents didnot place on record the IDAS Rules, 1958.

The Office Manual and the Rules are applicable in respect of officers and establishment of defence accounts Deptt. which deals with the matters concerning their service including transfer. No where in the said rule there is any restriction that same shouldnot be make applicable to IDAS

officers. In fact matters concerning pay, promotion, recruitment etc. are being followed from the said manual. There is not separate transfer policy for IDAS officers apart from the guideline as incorporated in the Office Manual Part-I and the general guideline/transfer policy for all Central Civil Service Officers are similar.

6. That in response to the example cited by the respondents one Sri S.R.Dey it is stated that said Sri S.R.Dey, Sr. A.O. was posted to CDA, Patna, on promotion to IDAS Grade before 10 months of his retirement as there was no vacancy to accommodate him at Guwahati as well as in NER during the said point of time. In case said Mr. Dey was required to be accommodated at CDA, Guwahati as a consequence some IDAS officers would have been required to be posted out unjustifiedly even prior to completion of their tenure.

Similarly, Zachariah, ACDA was transferred from Pune to Shillong on his promotion to IDAS Grade before 17 months of his retirement and he served 29 years in the same station i.e. Pune. However, in the instant case present applicant has been transferred with his present status at the fag end of his service career. The above 2(two) officers have been transferred on promotion and as such the examples cited by the respondents does not cover their stand.

7. That the applicant begs to state that the respondent No.4 was posted as Sr. Accounts Officers under IFA, 3 Corps located at Dimapur with the aim that on his promotion he will be at that station as Assistant IFA as the

Asstt. IFA, Mr. Swaminathan was at the verge of his completion of tenure. But the respondent No.4 with the collusion with the official respondents managed to stay here at Guwahati.

Subsequently, the respondent No.4 was posted to Shillong as Sr.Accounts Officer with the aim that on his promotion he will be in that station as Astt. Controller as the ACDA, Mr. Sheler of that office had got his transfer order elsewhere but he did not carry out the same and managed to stay and as a consequence of that his transfer order was canceled and lastly by the impugned transfer order he was promoted to IDAS Grade and posted at Guwahati wherein he served about 7 years within last 11 years and occupying the Govt. accommodation w.e.f 6.6.1997 continuously.

8. That the applicant begs to state that there are at least 33 IDAS officers who have been occupying their same office w.e.f. 2003-04, whereas the applicant joined his present place of posting on 19.5.05 and by now he has completed only 2 years and 6 months of service.

The summary of the pink list, the extract of the pink list and the preface of the Office Manual Part I are annexed herewith and marked as Annexure-1, 2 and 3.

9. That the applicant in support of his aforementioned categorical stand place reliance on the following case laws:-

*Prasanta Ranjan Biswas*

In Sherao Nagurao -VS- State of Maharashtra & Ors.

(1989) 2 SLR 328

It has been held by Bombay High Court that a transfer is malafide when it is made not for professed purpose, such as in normal course or in public or administrative interest or in exigencies of service but for other purpose, that is to accommodate another person for undisclosed reasons.

In E.P. Royappa -VS- State of Tamil Nadu, 1974 SC 555

It has been held that a transfer made to accommodate someone for undisclosed reasons has to be termed as malafide.

In Dilip Kumar Saikia -VS- State of Assam & Ors. 2005

(4) GLT 371 a Hon'ble Bench of Gauhati High Court observed as:- .....If the exercise of power is based on extraneous consideration for achieving an alien purpose or an oblique motive, it would amount to malafide and colourable exercise of power. Frequent transfer, without sufficient reason to justify such transfer cannot be held as bonafide. A transfer is malafide when it is made not for professed purpose such as normal course or in public or administrative interest or in the exigencies of service but for other purpose, such as to accommodate another person for undisclosed reasons. It is the basic principle of rule of law and good administration, that even administrative action should be just and fair. An order or transfer is to satisfy the test of Article 14 and 16 of the Constitution, otherwise the same will be treated as arbitrary."

"7. A transfer order issued as in the instant case only to accommodate another person and that too without affording any opportunity to the person whose interest is affected, cannot be said to an order issued in administrative exigencies."

In Yadavindra Public School Association -VS- State of Punjab & Ors. (1991) 1 SCC 189 it has been held:-

"2. Considering that serious allegations of malafides have been raised in the writ petition it was not appropriate, in our opinion, for the High Court to have dismissed the writ petition by a detailed order in limine and without notice. When such allegations of malafides are raised and the person against whom the allegations are made has been impleaded as a respondent, it would be appropriate to give an opportunity to the person concerned to file an affidavit and then to decide the case on merits. Without expressing any opinion on the merits of this case, we set aside the judgment of the High Court and restore CWP No.16047 of 1997 to the file of the High Court for decision in accordance with law. Pending disposal of the writ petition, the appellant should not be dispossessed.

In State Bihar -VS- P.P.Sharma AIR 1991 SC 1260 it has been laid down as follows:- "It is well settled law that the person against whom mala fide or bias was imputed should be impleaded to nominate as a party respondent to the proceedings and given an opportunity to meet those allegations. In his/her absence no enquiry into those

allegations would be made. Otherwise it itself is violative of the principles of natural justice as it amounts to condemning a person without an opportunity."

In C.S.Rowjee -VS- State of A.P. AIR 1964 962 the apex court held that when, "..... In the absence of a denial affidavit by the person against whom such allegations are made, the court would be constrained to accept allegations so remaining unrebutted and unanswered on the test of probability."

In Union of India & Ors. -Vs- S.L.Abbas AIR 1993 SC 2444 the apex court observed that "while ordering the transfer of Govt. employee, there is no doubt the authority must keep in mind the guidelines issued by the Govt. on the subject.

Lord Denning in "The Family Story: 1981 page 174" stated ..." My root relief is that the Proper role of a judge is to do justice between the parties before him. If there is any rule of law which impires the doing justice, then it is the province of the judge to do all he legitimately can to avoid that rule or even to change it so as to do justice in the instant case before him.

In V.K.Mathew -VS- Union of India & Ors. 2007 (1) GLT 183 ".....According to this court, improper consideration of representation violates the provisions of guidelines which will create indiscipline in the administration in future and the employees for whom this policy is framed they will not be in a position to fully

believe the employer and their actions, as the reason they themselves are not acting on their own policy in the name Doctrine possibility."

In State of Orissa and ors. -VS- Bhagaban Sarangi & Ors. 1995 (1) SCC 399 it has been laid "..... in our opinion, it is not correct for the Tribunal to have stated that they are not prepared to accept the judgment of the Orissa High Court in Kunja Behari Rath -VS- State of Orissa. We make it clear that the Tribunal in this case is nonetheless a Tribunal and it is bound by the decision of the High Court of the State. It is incorrect to side-track or by pass the decision of the High Court."

In L.S.B.P Verma -VS- Union of India & Ors. 407. Swamy's CL Digest 1996/2 it has been laid down by Patna Bench that- "When the rule specifically states that persons above 54 years will not generally be transferred, it has to be observed, in spite of the fact it is a guideline, as other provisions in the Manual have statutory provision."

10. In view of the above it is clearly established that the impugned Orders of transfer as well as the orders dated 26.11.07 have been issued in violation of the statutory provision and with a malafide intention which is required to be set aside and quashed.

VERIFICATION

I, Sri Prasanta Ranjan Biswas, aged about 58 years, son of late R.R.Biswas, presently resident of Patharkuchi Road, Nobodoy Nagar, House No.17, Basistha, Guwahati-29, do hereby solemnly affirm and verify that the statements made in paragraphs 5, 7, 10, ..... are true to my knowledge and those made in paragraphs 2, 3, 4, 6, 7, 8, ..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am the applicant in the instant application and as such well convergent with the facts and circumstances of the case and also competent to swear the verification.

And I sign this Verification on this the 28 day of January 2008.

*Prasanta Ranjan Biswas*

Signature.

Annexure "I"

<u>List of Roster</u>	<u>Staying in the same office wef.</u>
<u>Nos.</u>	
141	13.02.03
148	12.01.04
149	06.10.04
176	24.05.04
201	01.09.04
208	23.06.03
220	21/05/04
225	16/07/04
228	15/07/04
231	09/11/04
233	28/06/02
244	26/05/03
245	28/05/03
247	09/06/03
249	30/06/03
256	17/12/03
260	02/12/03
264	28/11/03
265	22/12/03
266	31/12/03
267	28/11/03
269	22/12/03
270	02/12/03
273	14/06/04
278	01/12/03
281	05/12/03
283	02/12/03
286	05/12/03
289	22/12/03
290	28/11/03
298	26/04/04
303	07/10/04
305	07/10/04

Note-

30% officers mentioned in above list are staying earlier than this date as they got their promotion in the same station. Whereas Applicants Roster No. is 276 and serving in CDA Guwahati wef. 19/05/05 only and he is in fag end of his service life.

Attested

Hm

Advocate



भारत सरकार  
Government of India

रक्षा मंत्रालय  
Ministry of Defence

रक्षा-लेखा महानियंत्रक

## Controller General of Defence Accounts

[::Home](#) [::About Us](#) [::Administration](#) [::Accounts](#) [::Audit](#) [::IFA](#) [::Training](#) [::IT](#) [::Useful Links](#) [::Sitemap](#)

November 27, 2007

Admin->Pink List

[:: Pink List](#)

[:: RTI](#)

[:: CPIOs in DAD](#)

[:: Transfers/Postings](#)

[:: Disciplinary Cases](#)

[:: Latest Circulars of CVC](#)

[:: IDAS Rules, 2006](#)

[:: Other Related Links](#)

[:: S.A.S](#)

Latest News

» Promotion to the JAG of the IDAS  
on an Adhoc basis

» Promotion to the Senior Time  
Scale of the Indian Defence  
Accounts Service on regular basis

**Attested**

*[Signature]*

Advocate

### Pink List as on 01-11-2007

Pink List No.	Name Date of Birth Date of Joining	Year of Allotment	Date of Appointment to the Present Grade	Present Post/ Date of Appointment to Present Post
1	S/Shri (Smt.) N K Narang 08-03-48 02-08-71	1971	01-07-2007	Financial Adviser (Defence Services) 01-07-2007
2	(Smt.) H K Pannu 23-03-49 16-07-72	1972	01-07-2007	Controller General of Defence Accounts 01-07-2007
3	(Smt.) Bulbul Ghosh 13-04-50 16-07-72	1972	31-08-2007	Additional Controller General of Defence Accounts-I 31-08-2007
4	(Smt.) Indu Liberhan 28-05-50 16-07-72	1972	31-08-2007	Additional Controller General of Defence Accounts-II 31-08-2007
5	T C Joshi	1972	18-11-2002	Principal Integrated Financial Adviser,

First list  
Name of birth 14 year of  
date of birth 19 year of  
adoption 19 Date of birth to the date  
of birth 19 year of birth 19 year of  
adoption 19 Present Post  
date of birth 19 year of birth 19 year of  
adoption 19

Date of Birth to the date of First Grade Present Post Date of Birth to the Present Int 12-01-2004

✓

۱۰۷

- 8 -

Se. 12

- 14 -

76	Rajnish Kumar 01-07-62 01-01-85	1984	12-01-2004 (Proforma Promotion)	Int For Aw
77	V Venugopal 15-08-57 22-02-85	1984	12-01-2004	Co Av
78	J. Lhungdim 02-02-60 31-12-84	1984	12-01-2004 (Proforma Promotion)	Co Gu 01-
79	Kum. Gurjot K Sondhe 22-01-58 26-08-85	1985	Awaited	47 Co Col Av
80	Marella Anjaneyulu 01-06-60 24-12-85	1985	11-05-2006	Co Se 11
S1	M A Lincoln 04-01-59 16-12-85	1985	11-05-2006	Co -v 11
S2	Nawal Kishore 11-09-60 13-12-85	1985	11-05-2006 (NBR)	Di Co 11
S3	Navneet Verma 30-05-60 20-11-86	1985	11-05-2006 (NBR)	Di Te 11
84	Dr. G D Pungle 22-04-57 31-12-85	1985	12-05-2006 (NBR)	Co (P)
85	Alok Chaturvedi 11-06-61 26-08-85	1985	10-05-2006	Co Co Av
S6	D C S Negi 24-12-58	1982	11-05-2206	Int Ps

136	Kamal Chowdhery 17-11-64 12-10-92	1991	01-02-2002 01-01-2004 (SG JAG)	Advisor, Tripartite (India-Afghanistan-UNDP)
137	Dr. R. S. Chavan 03-12-63 12-10-92	1991	01-02-2002 01-01-2004 (SG JAG)	Additional Controller of Finance, Ordnance Factory Board, Kolkata 15-02-2006
138	Vijay Kumar 02-01-66 12-10-92	1991	18-02-2002 01-01-2004 (SG JAG)	Additional Controller of Defence Accounts, Zonal Office (PD), Delhi Cantt 05-05-2004
139	K. Ravi Kumar 07-06-64 20-01-92	1991	25-02-2002 01-01-2004 (SG JAG)	Additional Controller of Defence Accounts, CDA Secunderabad <u>Additional Charge</u> IFA to Commandant College of Defence Management, Secunderabad Awaited
140	Dev Kumar 01-12-65 16-09-91	1991	01-02-2002 01-01-2004 (SG JAG)	Additional Controller of Defence Accounts, PCDA, New Delhi 03-11-2003
141	C. Zothankhuma 17-12-66 19-10-92	1991	13-02-2003 01-01-2004 (SG JAG)	Additional Controller of Defence Accounts, CDA, Guwahati 13-02-2003
142	Smt. Mausumi Rudra 23-06-68 12-10-92	1992	07-01-2003 01-01-2005 (SG JAG)	Director, Department of Science & Technology, New Delhi 24-07-2006
143	Rajesh Sharma 19-08-65 12-10-92	1992	07-01-2003 01-01-2005 (SG JAG)	Director (Forensic Auditing), Serious Fraud Investigation Office, New Delhi 01-05-2007
144	Vinod Kumar Vijay 27-12-67 20-09-93	1992	07-01-2003 01-01-2005 (SG JAG)	Director, Department of Expenditure Ministry of Defence (Finance), New Delhi Awaited
145	Suchindra Misra 22-10-68	1992	07-01-2003 01-01-2005	Deputy Secretary/ Director, Department of Disinvestment, New

	19-10-92		(SG JAG)	Delhi 10-04-2006
146	Ajay Mishra 20-01-65 08-01-93	1992	13-01-2003 01-01-2005 (SG JAG)	Additional Controller of Defence Accounts, PAO (ORs) Signals, Jabalpur Awaited
147	Smt. Vinakshi Gupta 08-10-68 12-10-92	1992	01-01-2006 (SG JAG)	Additional Integrated Financial Adviser (Central Command), Lucknow 21-05-2007
148	Sanjay Kumar Singh 25-06-66 20-09-93	1992	09-01-2003 01-01-2005 (SG JAG)	Additional Controller of Defence Accounts, Area Accounts Office, Kolkata 12-01-2004
149	Smt. Vandana Kumar 24-07-68 12-10-92	1992	10-01-2003 01-01-2005 (SG JAG)	Director(North-East), Central Silk Board, Bangalore 06-10-2004
150	A. Ramaiah 15-05-59 20-09-93	1992	09-01-2003 01-01-2005 (SG JAG)	Financial Adviser to ASD Mumbai Awaited
151	Laloo Ram 15-01-59 15-01-93	1992	31-01-2003 01-01-2005 (SG JAG)	Additional Controller of Defence Accounts, PCDA (CC), Lucknow Awaited
152	Padam Lal Negi 22-11-56 08-01-93	1992	09-01-2003 01-01-2005 (SG JAG)	Additional Controller of Defence Accounts, CDA (Funds), Meerut 21-02-2005
153	Dhananjay Kumar 01-02-68 19-12-94	1993	06-11-2003 01-01-2006 (SG JAG)	Joint Secretary/ Director Level, Union Public Service Commission, New Delhi 27-10-2005
154	Jagdish Prasad Pandey 10-08-63 20-09-93	1993	06-11-2003 01-01-2006 (SG JAG)	Additional Controller of Finance & Accounts, Ordnance Factory (OFC) Kanpur 18-07-2007
155	Rajiv Sharma 07-09-64	1993	06-11-2003 01-01-2006	Senior Deputy Controller General of Defence Accounts (Admin), CGDA

	25-11-72 04-09-95			Defence, New Delhi Awaited
175	Harsh Valdya 21-01-67 06-09-95	1995	29-06-2006	Joint Controller of Defence Accounts, CDA(AF) Nagpur Awaited
176	Sandeep Sarkar 17-03-72 04-09-95	1995	24-05-2004 24-05-2004	Joint Controller of Defence Accounts, PCDA (P), Allahabad
177	Pramod Kumar 30-12-72 04-09-95	1995	24-05-2004	Joint Controller of Finance & Accounts, AO Rifle Factory, Ishapore 02-07-2007
178	P. Satyanarayana Murthy 10-01-63 06-09-96	1995	29-06-2006	Joint Controller of Defence Accounts, CDA(R&D) Hyderabad 17-07-2006
179	Dr. Ajai Kumar Pradyot 08-09-68 05-09-96	1995	29-06-2006	Additional Secretary, Deputation with Government of Uttrakhand Awaited
180	Anant Prakash 25-05-66 06-09-96	1995	21-05-2006 28-03-2007	Joint Controller of Defence Accounts, CDA (Army) Meerut
181	Anil Kumar 27-11-71 27-08-97	1996	15-06-2006 (JAG-Adhoc)	Student Officer, IIM Ahmedabad 02-04-2007
182	Kanwaldeep Singh 22-09-68 08-09-97	1996	05-07-2006 (JAG-Adhoc)	Joint Controller of Defence Accounts, Area Accounts Office (Navy), Cochin 05-07-2006
183	Mihir Kumar 01-04-70 08-09-97	1996	27-06-2006 (JAG-Adhoc)	Joint Controller of Defence Accounts (Training) & NIDFM, Pune 27-06-2006
184	Amit Prasad 19-05-69 05-09-96	1996	13-06-2005 (JAG-Adhoc)	Addl. Dy. Commissioner/ Jt. Assessor & Collector, Municipal Corporation of Delhi

195	Dr. J. S. Choudhary 04-08-70 01-09-97	1997	05-08-2002 (JAG-Adhoc)	Joint Controller of Defence Accounts, CDA Bangalore 17-05-2007
196	Himanshu Sbunker 25-12-68 16-09-97	1997	05-08-2002 (JAG-Adhoc)	Joint Controller of Defence Accounts, Area Accounts Office (WC), Jalandhar 11-09-2006
197	K. S. Lather 17-03-72 01-09-97	1997	05-08-2002 (JAG-Adhoc)	Joint Controller of Defence Accounts, PAO (ORs) Artillary Nasik 04-04-2007
198	Puneet Agarwal 15-01-72 01-09-97	1997	02-09-2002 (JAG-Adhoc)	Deputy Controller General of Defence Accounts, CGDA New Delhi 12-07-2007
199	Dr. Smt. Shivalli Malhotra Chouhan 17-09-73 01-09-97	1997	02-09-2002 (JAG-Adhoc)	Joint Integrated Financial Adviser, IFA (Army-O), New Delhi
200	Smt. Swarnashree Rao Rajasekhar 10-04-72 23-02-98	1997	02-09-2002 (JAG-Adhoc)	Joint Controller of Defence Accounts, PCDA (NC), Jammu 19-07-2006
201	Vivek B. Umap 19-04-72 01-09-97	1997	01-10-2002	Deputy Controller of Finance & Accounts, CFA (Fys), Jabaour 01-09-2004
202	Niraj Kumar Gayagi 10-05-72 25-08-97	1997	01-10-2002 (JAG-Adhoc)	Joint Controller of Defence Accounts, Area Accounts Office, Ahmedabad Awaited
203	Dilip Kumar 11-08-67 29-12-97	1997	01-11-2002	Deputy Controller of Defence Accounts, Accounts Office, Chief Engineer (Project), Vartak 17-08-2006
204	S. Raj Betham 06-06-66 17-09-97	1997	01-11-2002	Joint Controller of Finance & Accounts (Fys.), Accounts Office, Ordnance Clothing Factory, Shahjahanpur 03-08-2007

205	T. K. Jajoria 10-11-69 08-09-97	1997	02-12-2002 (JAG-Adhoc)	Joint Controller of Defence Accounts, Area Accounts Office (NC), Srinagar 31-07-2006
206	Dani Salu 26-01-74 03-09-97	1997	02-12-2002 (JAG-Adhoc)	Deputy General Manager (Finance), Border Roads Project Zaranj, Afghanistan 26-10-2005
207	Puskal Upadhyay 28-08-71 07-09-98	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Defence Accounts, PCDA (SC), Pune Awaited
208	Manish Tripathi 06-07-70 07-09-98	1998	23-06-2003 (JAG-Adhoc)	Deputy Controller General of Defence Accounts (EDPS), CGDA, New Delhi 23-06-2003
209	Hari Har Mishra 21-01-72 04-01-99	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Defence Accounts, PAO(ORs) AMC Lucknow 05-10-2007
210	Smt. Anjali Ellis Shanker 01-07-73 07-09-98	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Defence Accounts, CDA Jabalpur 10-07-2007
211	Sanjay Verma 07-12-70 04-01-99	1998	23-06-2003	Finance & Budget Officer, Union Public Service Commission, New Delhi 09-03-2006
212	Sudhir R. N. 24-04-70 10-01-99	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Defence Accounts, PAO(ORs) ASC Supply & MT Bangalore 17-09-2007
213	Uma Shankar Prasad Kushwaha 10-07-75 04-01-99	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Defence Accounts, CDA (R&D) Bangalore 10-06-2005
214	Kum. Rajalakshmi Devaraj 23-08-72 07-09-98	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Defence Accounts, PCDA New Delhi

215	Dr. Sudip Kumar Bhadra 28-12-66 07-09-98	1998	23-06-2003 (JAG-Adhoc)	08-10-2007 Joint Controller of Finance, Ordnance Factory Board, Kolkata 20-06-2007
216	Parneet Singh - 22-05-75 04-01-99	1998	23-06-2003	Joint Controller of Defence Accnts, PCDA (SWC), Jaipur 27-08-2007
217	M. Shanker 05-04-70 04-01-99	1998	23-06-2003 (JAG-Adhoc)	Joint Controller of Finance & Accounts, AO, Ordnance Factory, Khamaria 25-07-2007
218	S. Parthasarathy 09-08-48 08-01-01	2000	23-06-2003	Deputy Controller of Defence Accounts, Accounts Office (R&D) CVRDE, Avadi Awaited
219	A. K. Haldar 30-11-49 19-01-01	2000	23-06-2003	Deputy Controller of Defence Accounts, CDA(Officers), Pune 25-05-2006
220	J. Tarakam 22-11-47 18-01-01	2000	30-06-2003	Deputy Controller of Defence Accounts, PAO(ORs) AOC, Secunderabad 31-05-2004
221	Virendra Kumar 15-08-47 10-01-01	2000	23-06-2003	Deputy Controller of Defence Accounts, CDA(PD), Meerut Awaited
222	G. Venugopalan 02-03-51 16-01-01	2000	23-06-2003	Deputy Controller of Defence Accounts, JCDA (R&D), Pune Awaited
223	Smt. Kavita Garg 13-01-74 20-09-99	1999	16-07-2004	Deputy Financial Adviser to Financial Adviser to Director General Naval Project, Mumbai Awaited
224	Anand Agrawal 07-11-74	1999	15-07-2004	Deputy Controller of Defence Accounts (R&D), Metcalfe House,

	04-01-00			Delhi	ani
225	Rajendra Pratap Singh+ 10-08-73 20-09-99	1999	16-07-2004	Deputy Controller of Defence Accounts, PCDA, New Delhi 16-07-2004	
226	Smt. Maulishree Pande 04-04-74 14-01-00	1999	26-07-2004	Deputy Controller of Defence Accounts, PCDA (Navy), Mumbai 20-06-2006	
227	Smt. Molly Sengupta 20-02-74 04-01-00	1999	17-09-2004	Deputy Controller of Accounts, Ordnance Factory Board, Kolkata Awaited	
228	Smt. Nishtha Upadhyay 21-07-74 04-01-00	1999	15-07-2004	Deputy Controller of Defence Accounts, CDA (O), Pune 15-07-2004	
229	Niranjan Kumar 01-11-72 04-01-00	1999	15-07-2004	Assistant Controller of Finance & Accounts (Fys.), Gun Carriage Factory, Jabalpur Awaited	nira
230	Vinod Kumar 08-10-67 04-01-00	1999	15-07-2004	Deputy Controller of Defence Accounts, PCDA (Western Command), Chandigarh 07-09-2005	
231	Basant Swarup 10-12-68 20-09-99	1999	19-07-2004	Deputy Controller of Defence Accounts, PCDA (R&D), New Delhi 09-11-2004	
232	Smt. Simerjit Kaur 25-08-71 04-01-00	1999	11-07-2005	Deputy Controller of Defence Accounts, Area Accounts Office Pay (WC), Delhi Cantt. Awaited	
233	S. U. Punekar 01-07-49 28-06-02	2001	12-07-2005	Deputy Controller of Finance & Accounts (Fys), AO, Ordnance Factory Bhandara 28-06-2002	

243	K V Viswanathan 08-05-53 30-06-03	2002	16-06-2006	06-07-2006 Deputy Controller of Finance & Accounts (Fys.) Ordnance Factory Trichy Awaited
244	M P Subramanian 15-06-52 26-05-03	2002	16-06-2006	Deputy Controller of Defence Accounts, Accounts Office (Navy), Goa 26-05-2003 16-06-2006
245	V R Seetharaman 09-08-47 28-05-03	2002	Awaited	Deputy Controller of Defence Accounts, CDA, Chennai 28-05-2003 Awaited
246	S V Ghone 16-03-48 17-06-03	2002	16-06-2006	Deputy Integrated Financial Adviser, IFA, CAFVD, Pune 10-02-2006 16-06-2006
247	S B Budhatrao 02-06-48 09-06-03	2002	16-06-2006	Deputy Controller of Defence Accounts, PCDA(SC) Pune 09-06-2003 16-06-2006
248	R R Chauhan 12-04-54 02-06-03	2002	16-06-2006	Deputy Integrated Financial Adviser, IFA (Air Force), New Delhi Awaited
249	J S Maurya 15-09-47 30-06-03	2002	16-06-2006	Deputy Controller of Defence Accounts, CDA, Jabalpur 30-06-2003 16-06-2006
250	Avra Ghosh 30-12-74 02-09-01	2001	19-06-2006	Assistant Controller General of Defence Accounts (EDPS), CGDA New Delhi Awaited
251	Mayank Bisht 09-01-78	2001	16-06-2006	Deputy Controller of Defence Accounts, JCDA (Border Roads),

	18-12-01			Chandigarh	m
				05-09-2005 16-06-2006	
252	Smt. Sarika Aggarwal Syrem 10-07-76 02-09-01	2001	16-06-2006	Deputy Controller of Defence Accounts, AO(P) Setuk, Shillong Awaited	
253	Smt. Mini Sri Bisht 17-03-75 18-12-01	2001	19-06-2006	Deputy Controller of Defence Accounts, PCDA (Western Command), Chandigarh 16-09-2005 19-06-2006	
254	Anil Kumar Kisan Kokate 17-01-70 18-12-01	2001	16-06-2006	Deputy Controller of Defence Accounts, PCDA New Delhi Awaited	
255	Dr. Jayaraj Naik 25-04-73 02-09-01	2001	16-06-2006	Deputy Integrated Financial Adviser, 26 ED, Bangalore Awaited	j
256	P M Kale 01-07-48 17-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CE (P), Chetak, Bikaner 17-12-2003	
257	H K Gaikwad 01-05-49 15-12-03	2003	(STS Adhoc)	Deputy Controller of Finance & Accounts, AO, HEF, Kirkee Awaited	
258	Goverdhan Nath 01-01-49 09-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, Army HQRs. MGO PPO, New Delhi. Awaited	
259	Baldev Raj 05-05-49 02-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, Area Accounts Office (WC), Pathankot 13-01-2006	
260	Dev Raj 15-10-54 02-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA (BR), Delhi Cantt 02-12-2003	

261	Surender Pal 12-07-55 16-12-03	2003	(STS Adhoc)	Integrated Financial Adviser, 3 BRD Chandigarh Awaited
262	R. Sathiamoorthy 15-09-47 18-11-04	2004	(STS Adhoc)	Deputy Controller of Accounts, PCA (Fys), Kolkatta 08-06-2005
263	Narslingh Dass 07-06-52 17-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA (WC) Chandigarh Awaited
264	Rajesh Kumar Saroj 01-01-51 28-11-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA (P), Allahabad 28-11-2003
265	Vishamber Singh 25-10-49 22-12-03	2003	(STS Adhoc)	Deputy Integrated Financial Adviser, 7BRD & 27ED, Delhi 22-12-2003
266	S R More 02-06-53 31-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PAO(ORs) RRC, Fatehgarh 31-12-2003
267	V S Pandey 11-09-47 28-11-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA (P), Allahabad 28-11-2003
268	S B Pathak 10-07-47 01-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA(AF) New Delhi Awaited
269	R Vijayakrishnan 07-09-49 22-12-03	2003	(STS Adhoc)	Deputy Integrated Financial Adviser, IFA MC (AF), Nagpur 22-12-2003
270	C M Varughese 18-09-49 02-12-03	2003	(STS Adhoc)	Deputy Integrated Financial Adviser, IFA (Army HOrs-Q), New Delhi 02-12-2003
272	R Muralidharan 06-12-47	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA, Chennai

	29-12-03			29-12-2003
273	A N G K Nair 28-05-50 01-12-03	2003	(STS Adhoc)	Deputy Controller of Finance & Accounts (Fys), CFA (Fys), Kirtkee 14-06-2004
274	N Kannan 01-01-50 01-12-03	2003	(STS Adhoc)	Deputy Controller of Finance & Accounts (Fys), AO, Grey Iron Foundry, Jabalpur Awaited
275	S R Das 15-02-49 15-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, JCDA(BR), Guwahati Awaited
276	P R Biswas 29-09-49 15-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA, Guwahati 19-05-2005
277	A D Meshram 14-06-48 02-01-04	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PAO (ORs) J&K Rifles, Jabalpur 02-01-2004
278	S K Rithe 02-06-49 01-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PAO (ORs) Artillery, Nasik 01-12-2003
279	Rohtash Kumar 30-07-47 15-01-04	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA(Funds), Meerut 01-02-2006
280	V B Kanjale 01-06-48 28-11-03	2003	(STS Adhoc)	Deputy Controller of Finance & Accounts, AO, MTPF, Ambernath 02-02-2006
281	Subhas Mondal 12-01-51 05-12-03	2003	(STS Adhoc)	Assistant Controller General of Defence Accounts (Admin), CGDA, New Delhi 05-12-2003
282	P C Subramanian	2003	(STS Adhoc)	Deputy Controller of Defence

	17-02-52 01-12-03			Accounts, PAO(ORs) (MRC), Wellington
283	O P Shekhar 10-06-49 02-12-03	2003	(STS Adhoc)	Deputy Integrated Financial Adviser, IFA (BR), Delhi Cantt 02-12-2003
284	D G Gaikwad 13-12-51 16-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, JCDA(AF), Nagpur 23-01-2006
285	Sardari Lal 15-03-51 19-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA(NC) Jammu Awaited
286	Hakim Singh 01-12-47 05-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA(PD), Meerut 05-12-2003
287	P Vijaya Kumar 16-03-54 29-12-03	2003	(STS Adhoc)	Deputy Integrated Financial Adviser, IFA, Eastern Naval Command, Vishakhapatnam 23-02-2005
288	P Vijayamohan 21-04-52 18-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA Secunderabad Awaited
289	B N Roy 09-07-49 22-12-03	2003	(STS Adhoc)	Assistant Controller of Finance & Accounts(Fy's), AO, Ordnance Factory, Katni 22-12-2003
290	D C Hansda 30-04-50 28-11-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA (P), Allahabad 28-11-2003
291	P B Pathrabe 01-07-50 05-04-04	2003	(STS Adhoc)	Integrated Financial Adviser (MC), Nagpur Awaited
292	Kalyan Singh	2003	(STS Adhoc)	Deputy Controller of Defence

	12-01-51 02-12-03			Accounts, ZO(PD) Pathankot Awaited
293	Barkat Raj 01-01-48 17-12-03	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, AO(Project) Deepak, Shimla Awaited
294	K A Mathew 05-03-48 01-01-04	2003	(STS Adhoc)	Assistant Controller of Finance & Accounts, PCA (Fys), Kolkata 20-01-2006
295	T M Sethumadhavan 15-05-48 26-04-04	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA(Training) & National Institute of Defence Financial Management, Pune 16-01-2006
296	K Vishwanathan 01-05-49 19-04-04	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA (SC), Pune Awaited
297	P K Lamba 15-01-48 29-03-04	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, PCDA (R&D), New Delhi 29-03-2004
298	V K Vaid 08-01-48 26-04-04	2003	(STS Adhoc)	Deputy Integrated Financial Adviser, IFA (Naval HQrs), New Delhi 26-04-2004
299	Samay Singh 15-08-49 30-04-04	2003	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA(Army) Meerut Awaited
300	Raja Bhattacharjee 07-11-72 02-09-02	2002	(STS Adhoc)	Deputy Controller of Finance & Accounts, Accounts Office, Gun and Shell Factory, Cossipore Awaited
301	Mansoor Hasan Khan 25-12-74 02-09-02	2002	(STS Adhoc)	Deputy Controller of Finance & Accounts, CFA (Fys.) Dehradun

				Awaited
302	Ms. V. Yogitha 04-02-78 02-09-02	2002	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA, Chennai 04-01-2006
303	Smt. Aarti Dewan Gupta 15-03-76 02-09-02	2002	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA, Bangalore 07-10-2004
304	Roopwant Soni 01-09-69 02-09-02	2002	(STS Adhoc)	Government Accounting Standards Advisory Board, Comptroller & Auditor General of India, New Delhi Awaited
305	Ms. Nandini Prabhakar Anvekar 05-05-72 16-12-02	2002	(STS Adhoc)	Deputy Controller of Defence Accounts, CDA, Bangalore 07-10-2004
306	Dhirendra Pratap 08-01-48 19-05-05	2004	19-05-2005	Assistant Controller of Defence Accounts, FCDA(CC) Lucknow 19-05-2005
307	Ashok Dattatraya Kamble 28-06-49 20-05-05	2004	20-05-2005	Assistant Controller of Defence Accounts, PCDA (Navy) Mumbai 20-05-2005
308	Phanibasan Barman 29-12-47 27-05-05	2004	27-06-05	Assistant Controller Finance & Accounts, AO, Small Arms Factory, Kanpur 27-06-2005
309	Surya Kant Das 01-02-49 12-07-05	2004	12-07-2005	Assistant Controller of Finance & Accounts, AO, Parachute Factory, Kanpur 12-07-2005
310	Yash Pal Singh 06-05-48 18-05-05	2004	18-05-2005	Assistant Controller of Defence Accounts, CDA (Army) Meerut Awaited
311	A R Shelar 29-08-51 20-06-05	2004	20-06-05	Assistant Controller of Defence Accounts, PAO (ORs) 58 GTC, Shillong

रक्षा नियंत्रण विभाग  
DEFENCE ACCOUNTS  
DEPARTMENT



कार्यालय नियम-पुस्तक  
OFFICE MANUAL

भाग I  
PART I

संशोधित संस्करण 1979  
Revised Edition 1979

(गुद्धि पर्ची रा० 47/1986 तक को समावेशित करके)  
(Incorporating amendments upto and inclusive of  
CS No. 47 of 1986)

(पुनर्मुद्रित 1986)  
(Reprint 1986)

रक्षा नियंत्रण विभाग के प्रधानकार संचारी को द्वारा  
Issued by Authority of the  
Controller General of Defence Accounts

Attested

H. S.

Advocate.

## P R E F A C E

1. Office Manual Part I, dealing with the Organisation and Functions of the Defence Accounts Department, was last issued in 1952. Correction Slips were being issued from time to time but no further edition was brought out so far. This is a revised edition.

2. Although it has been ensured that the latest position is reflected in this Manual, it is possible that there are omissions. Any omission or defect noticed in this Manual may kindly be brought to the notice of ADMINISTRATION Section of this office.

3. This Manual is an attempt to provide information on the organisation of the Defence Accounts Department and to compile in one place the objectives, functions and the general instructions regarding the procedures to be followed in the various Defence Accounts Offices. All Officers and Members of the Establishment should make themselves fully conversant with the contents of the Manual. Their particular attention is drawn to the objectives of the Defence Accounts Department and of the Controllers of Defence Accounts. Departmental activities should be directed towards achievement of these objectives and individual and organisational performance measured against them.

4. This Office Manual is a departmental publication. Nothing in this Manual will be held to supersede any rule or order of the Government of India with which it may be at variance.

5. Officers and establishment of the Defence Accounts Department should be guided by this Manual in their day-to-day work. The provisions of this Manual should not be quoted in correspondence with other offices outside the Department. In referring to the provisions of this Manual, the reference should be para. .... of O.M. (Part I) 1979 Edition.

6. The Administration Section of this office will be responsible for keeping this Manual corrected & up-to-date in the light of appropriate orders issued from time to time. They should also ensure that a revised edition of this Manual is brought out once in five years.

B. M. MENON  
Controller General of Defence Accounts

NEW DELHI

Dated : 5-5-1979