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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 40/2007

R.A/C/P No.

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SECTION OFFICER (Judl.)

Kalita
21.9.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 40 / 2007
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) MR M. Chakraborty VS Union of India & Ors

Advocate for the Applicant(S) MR M. Chanda, S. Nath
MRS U. Dutta

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

Notes of the Registry	Date	Order of the Tribunal
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This application in form
is filed on 26.12.06

deposited

No. 286 959812

Dated 26.12.06

[Signature]
Dy. Registrar

Application copy is
not yet submitted by
the applicant without
envelop.

[Signature]
9.2.07

12.2.07. The case of the applicant is that he was appointed as Accountant on deputation in the office of the Central Board of Direct Taxes, Shillong. On 17.07.2002 the parent department relieved the applicant. He joined in the office of the respondent No.3 at Shillong on 24.07.02. The deputation period was extended from time to time. The respondent No.3 vide his order dated 22.06.06 requested to intimate to concurrence of the parent department for extension of the term of deputation of the applicant for the fifth year w.e.f.25.07.06. The respondent No.5 vide his letter dated 17.07.06 communicated the concurrence of the parent department to the Respondent.3 of the borrowing department for extension of deputation of the applicant for further period of one year

12.2.07

beyond 24.07.2006 for the fifth year. The Ministry of Finance issued O.M. 14.3.06 communicating the decision of absorption of LDC and Accountants serving on deputation basis. On 16.03.06 respondent No.3 issued circular inviting willingness from the deputationists for absorption latest by 25.03.06. The applicant submitted his willingness for permanent absorption. The respondent No.3 forwarded "No objection Certificate" in respect of the applicant. On 18.07.06 Respondent No.3 issued impugned order seeking to repatriate the applicant to his parent department. The applicant submitted representation to the Respondent No.3 narrating his problems and prayed for further extension of his deputation for one year or grant permanent absorption. Respondent No.3 issued impugned repatriation order dated 25.07.06 repatriating the applicant to his parent department. The order was issued when the applicant was on leave. Since he has been repatriated hence his prayer for extension of leave cannot be sanctioned. Therefore, he joined in his parent department. Being aggrieved the applicant has filed this O.A.

I have heard Mr.M.Chanda learned counsel for the applicant and Mrs. M. Das, Addl.C.G.S.C. for the Respondents. The counsel for the respondents has submitted that she would like to take instructions. Let it be done.

Post the matter on 28.2.07.

beyond 24.07.2006 for the fifth year.

Vice-Chairman

lm

Order dated 12.2.07
Received on behalf of
Mrs M- Das Addl CGSC

Sd/- Kumar Saxe
20.2.07

28.2.07.

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

Ce
Member

Vice-Chairman

lm

9.3.07

Copy of the
budget handed
over to the L/Adv.
for the parties
on 6.2.07.
ph

26.9.07

A letter dated 12.6.07
received from Dy. Controller
of Accounts regarding O.A. 40/07
filed by M. Chakraborty which
may kindly be seen at flag 'A'.

Qm,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

.

O.A. No.40 Of 2007

DATE OF DECISION: 28..02.2007

Mr.M.Chakraborty /

Mr.M.Chanda

.....Applicant/s

..... Advocate for the
Applicant/s

- Versus -

Union of India & Ors.

.....Respondent/s

Mrs.M. Das, Addl.C.G.S.C

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN
THE HON'BLE MRS. CHITRA CHOPRA, ADMN. MEMBER

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

Vice-Chairman/Adm. Member

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 40 of 2007

Date of Order: This the 28th Day of February, 2007.

HONBLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN
HON'BLE MRS. CHITRA CHOPRA, ADMINISTRATIVE MEMBER

Sri Monobehari Chakraborty,
Working as Upper Division Clerk(UDC)
Office of the Superintending Engineer,
Capital Circle-Cum-Coord & Trg.
Public Works Department.
Government of Arunachal Pradesh, Itanagar. Applicant

By advocate Mr.M.Chanda, Mr.S.Nath, Mrs. U. Dutta.

-Versus-

1. The Union of India.
Represented by Secretary to the
Government of India,
Ministry of Finance, North Block
New Delhi-110001
2. The Controller General of Accounts,
Govt. of India, Ministry of Finance,
Department of Expenditure
Lok Nayak Bhavan, Khan Market.
New Delhi-110003.
3. The Pr. Chief Controller of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhawan, Khan Market
New Delhi-110003,
4. The Zonal Accounts Officer,
Central Board of Direct Taxes, Shillong-793003.
5. The Additional Chief Engineer(WZ)
Coordination and Training
Govt. of Arunachal Pradesh,
Public Works Department, Itanagar
6. The Superintending Engineer,
Rupa Circle, PWD,
Rupa, Arunachal Pradesh-790003
Govt. of Arunachal Pradesh-790003.
7. The Superintending Engineer,
Rupa Circle, PWD,
Govt. of Arunachal Pradesh
Rupa, Arunachal Pradesh-790003. ... Respondents

By Advocate Mrs. M. Das Addl.C.G.S.C.

ORDER(ORAL)


K.V.SACHIDANANDAN;V.C:

The applicant while working as UDC in the PWD, Arunachal Pradesh submitted an application for the post of Accountant on deputation basis in the office of the Principal Chief Controller of Accounts. The applicant was appointed as accountant on deputation basis. The applicant was relieved by the parent department. He has joined at Shillong. While so, according to the applicant the department has taken a policy decision Annexure -VI series in order to strengthen the manpower deployment the office intends to examine the absorption of these deputationist. The respondent No.3 was issued impugned order (Annexure X) dated 18.07.06 for repatriating the applicant to his parent department. Being aggrieved the applicant has filed this O.A. seeking for the following reliefs.

- "8.1 That the Hon'ble Tribunal be pleased to declare that the applicant is eligible for permanent in the cadre of Accountant in the office of Respondent No.3 and the office order No.Admn/S-1/06-07/Pr.CCA/691 dated 18.07.2006 (Annexure-X) and No.7 AO/ESTT/PF/MBC/2002-03/760-63 dated 25.07.2006(Annexure XI) as void -ab-initio.
 - 8.2. That the Hon'ble Tribunal be pleased to direct the respondent borrowing department, particularly the Respondent No.3 to consider absorption of the applicant on permanent basis in the cadre of Accountant in recognition of his services under deputation and in the light of the decision of the Government communicated through O.M. dated 14.03.2006 and circular letter dated 16.03.2006(Annexure-VI series)."
- L

I have heard Mr.M.Chanda learned counsel for the applicant and Mrs. M. Das learned Addl.C.G.S.C. for the respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that though the applicant has served as Accountant under deputation he has acquired a valuable and legal right for permanent absorption in order to a policy decision of the Government to absorb the deputationist as per Annexure VI. The counsel also relied upon the decision of the Hon'ble Supreme Court reported in (1999) 8 SCC 381 held in Rameswar Prasad -Vs- Managing Director, U.P Rajkiya Nirman Nigam Ltd. & ors. wherein a policy of absorption of a deputationist is laid down there must be some valid and justifiable reason for not absorbing a person which is reproduced as follows:


"In our view, it is true that whether the deputationists should be absorbed in service or not is a policy matter, but at the same time, once the policy is accepted and rules are framed for such absorption, before rejecting the application, there must be justifiable reasons. Respondent No. 1 cannot act arbitrary by picking and choosing the deputationists for absorption. The power of absorption, no doubt, is discretionary but is coupled with the duty not to act arbitrarily, or at the whim or caprice of any individual. In the present case, as stated earlier, the General Manager (NEZ) specifically pointed out as early as in the year 1988 that the applicant's service record was excellent; he was useful in service and appropriate order of his absorption may be passed. His application for absorption was within three years as provided in Rule 5. There is nothing on record to indicate that for any reason whatsoever, he was not required or fit to be absorbed or the power under Rule 5(1) of the U.P. Absorption of Government servants in Public Undertakings Rules, 1984 was not required to be exercised in his favour. Interim order dated 17.7.1991 passed by the High Court would not be applicable in the case of the appellant because his case was considered for absorption in the year 1988. Further on




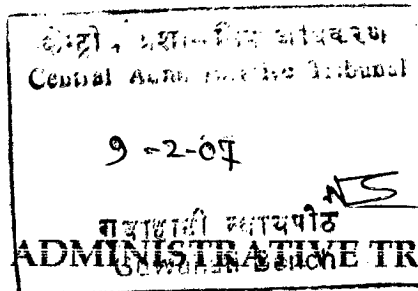
completion of five years on 19-11-1990 he could not have ordinarily been continued on deputation in the service of the Nigam, It is apparent that he was absorbed from 19-11-1990 because from that date his deputation allowance was also discontinued. If he was to be continued on deputation, there was no reason for non payment of the deputation allowance. So on the basis of the statutory rules as well as the policy, the appellant stands absorbed in the service of the Nigam."

Counsel for the respondents has submitted that it is a administrative policy decision of the Government to act upon it and it is not mandatory and enforceable. However, counsel for the applicant has submitted that he will be satisfied if direction is given to the applicant to file a comprehensive representation before the respondent No.3. If such representation is filed by the applicant the Respondent No.3 may dispose of the said representation. Mrs. M. Das learned Addl.C.G.S.C. has submitted that she has no objection if such steps is taken. In the interest of justice, Court Directs the applicant to make a representation with all relevant document within two weeks and on receipt of the such representation the Respondent No.3 will dispose of the same with a speaking order within the time framed of two months thereafter.

O.A. is disposed of accordingly. There will be no order as to costs.


(CHITRA CHOPRA)
ADMINISTRATIVE MEMBER


(K. V. SACHIDANANDAN)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 40 /2007

Shri Monobehari Chakraborty

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 09.07.1976- Applicant was initially appointed in the Public Works Department under the Government of Arunachal Pradesh.
- 28.12.2001- Applicant while working as UDC in the PWD, Arunachal Pradesh submitted application for the post of Accountant ~~on~~ deputation basis in the office of the Principal Chief Controller of Accounts, Central Board of Direct Taxes, said application was forwarded by the Executive Engineer, PWD of the parent department.
(Annexure-I Series)
- 14.05.2002- Applicant was appointed as Accountant on deputation basis in the office of respondent No. 3.
(Annexure- II)
- 17.07.2002- Applicant was relieved by the parent department. He joined in the office of the respondent No. 3 at Shillong on 24.07.02.
(Annexure- III)
- 14.10.03, 19.07.04, 15.04.05- Term of deputation of the applicant was extended successively for the fourth year.
(Annexure- IV Series)
- 22.06.2006, 05.07.06, 17.07.06- Respondent No. 3 vide his letter dated 22.06.06 addressed to the Superintending Engineer (Coordination), Itanagar, requested to intimate to concurrence of the parent department for further extension of the term of deputation of the applicant for the fifth year w.e.f. 25.07.06 and the same request was reiterated by another letter dated 05.07.06. Respondent No. 5 vide his letter dated 17.07.06 communicated the concurrence of the parent department to the Respondent No. 3 of the borrowing department for extension of deputation of the applicant for further period of one year beyond 24.07.2006 i.e. for the fifth year.
(Annexure- V Series)
- 14.03.2006- Govt. of India, Ministry of Finance issued O.M dated 14.03.06 communicating the decision of absorption of LDC and Accountants serving on deputation basis.
(Annexure- VI Series)

Mono behari Chakraborty

- 16.03.2006- Respondent No. 3 issued circular dated 16.03.06 inviting willingness from the deputationists for absorption latest by 25.03.06. (Annexure- VI Series)
- 27.03.2006- Applicant submitted his willingness for permanent absorption. (Annexure- VII)
- ✓ 04.04.2006- Respondent No. 5 forwarded "No-objection certificate" in respect of the applicant which was processed by the borrowing department as evident from letter dated 08.05.06. (Annexure- VIII & IX)
- 18.07.2006- Respondent No. 3 issued impugned order dated 18.07.06 seeking to repatriate the applicant to his parent department. (Annexure- X)
- 26.07.2006- Applicant submitted representation to Respondent No. 3, narrating his problems and prayed for further extension of his deputation for one year or grant permanent absorption. (Annexure- XI)
- 25.07.2006- Respondent No. 3 issued impugned repatriation order dated 25.07.06, repatriating the applicant to his parent department. Order dated 25.07.06 was issued when the applicant was on leave. (Annexure- XII)
- 22.08.2006- Respondent No. 3 informed the applicant that since he has been repatriated hence his prayer for extension of leave cannot be sanctioned. (Annexure- XIV)
- 15.01.2007- Applicant finding no response, joined in his parent department.
- 17.01.2007- Superintending Engineer (Coord & Trg.), Itanagar issued office order transferring the applicant in the office of the Executive Engineer, Sangram Division, Arunachal Pradesh. (Annexure- XV).

PRAYERS

1. That the Hon'ble Tribunal be pleased to declare that the applicant is eligible for permanent absorption in the cadre of Accountant in the office of Respondent No. 3 and the office order No. Adm/S-1/06-07/ Pr.CCA/ 691 dated 18.07.2006 (Annexure-X) and No. ZAO/ESTT/ PF/MBC/2002-03/760-63 dated 25.07.2006 (Annexure-XI) as void-ab-initio.
2. That the Hon'ble Tribunal be pleased to direct the respondent borrowing department, particularly the Respondent No. 3 to consider absorption of the applicant on permanent basis in the cadre of Accountant in

Mono behari Chakraborty

recognition of his services under deputation and in the light of the decision of the Government communicated through O.M dated 14.03.2006 and circular letter dated 16.03.2006 (Annexure-VI Series).

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

Interim order prayed for:

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

1. That the Hon'ble Tribunal be pleased to stay operation of the impugned office order No. SE (Coord.)/4/06-07/3122-29 dated 17.01.2007 (Annexure-XV) and direct the respondent authorities to allow the applicant to continue in his existing position at Itanagar till disposal of the Original Application.
2. That the Hon'ble Tribunal be pleased direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 40 /2007

Shri Monobehari Chakraborty. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

H. Dutta

Advocate

Date:- 9.02.07

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 40 /2007

BETWEEN:

Sri Monobehari Chakraborty,
Working as Upper Division Clerk (UDC)
Office of The Superintending Engineer,
Capital Circle-cum-Coord. & Trg.
Public Works Department,
Govt. of Arunachal Pradesh, Itanagar.

-----Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Finance, North Block,
New Delhi- 110001.
2. The Controller General of Accounts,
Govt. of India, Ministry of Finance,
Department of Expenditure,
Lok Nayak Bhavan, Khan Market,
New Delhi- 110003.
3. The Pr. Chief controller of Accounts,
Central Board of Direct Taxes,
9th floor, Lok Nayak Bhavan, Khan Market
New Delhi- 110003.
4. The Zonal Accounts Officer,
Central Board of Direct Taxes, Shillong- 793003.
5. The Additional Chief Engineer, (WZ)
Coordination and Training,
Govt. of Arunachal Pradesh,
Public Works Department, Itanagar.
6. The Superintending Engineer,
Rupa Circle, PWD,
Govt. of Arunachal Pradesh,
Rupa, Arunachal Pradesh- 790003.

Filed by:- he
Applicant-
Through:- U. Dutta
Advocate on
9/02/07
-5

Monobehari Chakraborty

7. The Superintending Engineer,
Rupa Circle, PWD,
Govt. of Arunachal Pradesh,
Rupa, Arunachal Pradesh- 790003.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:
This application is made against the impugned order bearing letter No. (1) Adm/S-1/06-07/Pr. CCA/691 dated 18.07.2006 (Annexure-X) and (2) ZAO/ESTT./PF/ MBC/2002-03/760-63 dated 25.07.2006 (Annexure-XI) from the office of the Respondent No. 3, repatriating the applicant to his parent department after he had served for 4 (four) years in succession under deputation under the said Respondent No. 3, even though the Government of India, Ministry of Finance, Department of Expenditure decided to absorb such deputationists in the grade of LDC & Accountant on permanent basis in the public interest, pursuant to which the willingness of the applicant and "No objection certificate" from his parent department was obtained by the office of the Respondent No. 3 for permanent absorption of the applicant.
2. Jurisdiction of the Tribunal:
The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.
3. Limitation:
The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.
4. Facts of the case:
 - 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Mono behari Chakraborty

4.2 That the applicant was initially appointed in the Public Works Department (PWD) under the Government of Arunachal Pradesh on 09.07.1976 while working as Upper Division Clerk (UDC) in the said department, the applicant came across one advertisement published in the "Employment News" issued under letter No. EN-38/65 dated 22-28 Dec' 2001, inviting applications for the post of Accountant on deputation basis in the office of the Principal Chief Controller of Accounts, Central Board of Direct Taxes (Respondent No. 3).

4.3 That having fulfilled the criteria for the post of advertised as above, the applicant submitted his application on 28.12.2001 through proper channel for the post of Accountant on deputation basis. His application was forwarded by the Executive Engineer, Seppa Division and Executive Engineer, Rupa Circle of the parent department vide their letter dated 04.01.2002 and dated 17.01.2002 respectively to the Respondent No. 3.

Copy of application dated 28.12.01 and forwarding letters dated 04.01.02, 17.01.02 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- 1 (Series).

4.4 That consequent upon his application, the applicant was appointed as Accountant (on deputation basis) vide office order No. 47/02 issued by the office of the Respondent No. 3 under letter No. ADMN/S-1/02-03/PR.CCA/571-78 dated 14.05.02 for an initial period of one year w.e.f. the date he reports for duty in his deputed post.

Copy of order dated 14.05.02 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- II.

4.5 That pursuant to his appointment as Accountant on deputation basis vide the above mentioned order, the applicant was relieved by his parent department vide office order No. SEPD/Estt-16/2002-03/1019-25 dated 17.07.2002 issued by the Executive Engineer, Seppa Division, PWD, Govt.

Mono behari Chakraborty

of Arunachal Pradesh to facilitate his joining in his new assignment. Thereafter, the applicant joined in the post of Accountant on deputation basis in the office of the Accountant Respondent No. 3 at Shillong, on 24.07.2002 (F.N).

Copy of release order dated 17.07.02 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- III.

- 4.6 That being satisfied with the performance of the applicant in his deputed post of Accountant, the term of his deputation was subsequently extended for the second year w.e.f. 24.07.2003 vide office order No. 158/2003 issued by the office of Respondent No. 3 under No. Admn./S-1/03-04/Pr.CCA/1525 dated 14.10.2003. Eventually his term of deputation was further extended successively for the third year and the fourth year vide office order No. 74/2004 dated 19.07.2004 and office order No. 09/2005-06 dated 15.04.2005 respectively. His term for the fourth year was scheduled to expire on 25.07.2006.

Copy of office order dated 14.10.03, 19.07.04 and dated 15.04.05 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- IV (Series).

- 4.7 That before expiry of his term of deputation for the fourth year on 25.07.06, the Respondent No. 3 vide his letter No. F.No. Admn. 5-1/05-06/Pr. CCA/449-450 dated 22.06.2006 addressed to the Superintending Engineer (Coordination), Itanagar, requested to intimate to concurrence of the parent department for further extension of the term of deputation of the applicant for the fifth year w.e.f. 25.07.06 and the same request was reiterated by another letter dated 05.07.06 issued by the Respondent No. 3. In response to the said letters, the Addl. Chief Engineer (Coord. & Trg.), Govt. of Arunachal Pradesh (Respondent No. 5) vide his letter No. CEAP (WZ)/Addl.CE (Coord. & Trg.)/E-II/42/06/1998-99 dated 17.07.06

Mono Behari Chakraborty

communicated the concurrence of the parent department to the Respondent No. 3 of the borrowing department for extension of deputation of the applicant for further period of one year beyond 24.07.2006 i.e. for the fifth year.

Copy of letters dated 22.06.06, 05.07.05 and 17.07.06 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- V (Series).

- 4.8 That in the meantime, the Government of India, Ministry of Finance, Department of Expenditure, issued one office Memorandum vide No. A. 11020/1/2002/MF.CGA(A)/438 dated 14.03.2006 wherein it was communicated to all the Principal Chief Controller of Accounts (CA) under the Ministry of Finance, Department of Expenditure that in view of the acute shortage of manpower in the grade of LDC and Accountant in the department, the Ministry intends to absorb the deputationist working in the grade of LDC and Accountant on permanent basis in the public interest as one time measure and directed all the Pr.CCA/CCA/CAs to recommend the names of LDC and Accountants serving on deputation in the said Ministry/Department, in the prescribed proforma latest by 15.04.2006 for consideration of their absorption. Pursuant to the said O.M dated 14.03.2006, the Respondent No. 3 issued one letter under No. Admn/S-1/05-06/Pr.CCA/3781-3810 dated 16.03.2006 circulating the O.M dated 14.03.06 aforesaid and invited the willingness from the deputationists for absorption latest by 25.03.2006.

Copy of O.M dated 14.03.06 and circular letter dated 16.03.06 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- VI (Series).

- 4.9 That pursuant to the abovementioned communications the applicant submitted his willingness as desired, for his permanent absorption to the Respondent No. 3 vide it's letter No. ZAO/CBDT/Shill/PF/MB/05-06/2229-32 dated 27.03.06 addressed to the Executive Engineer, Seppa,

Mono behari Chakraborty

Govt. of Arunachal Pradesh (Respondent No. 7) requested for issuance of the "No-objection" certificate by the parent department (cadre controlling Authority) in respect of the applicant for his permanent absorption in the office of the Respondent No. 3.

Copy of letter dated 27.03.06 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- VII.

- 4.10 That thereafter, the Addl. Chief Engineer, Govt. of Arunachal Pradesh (Respondent No. 5) forwarded the required "No-objection certificate" through e-mail on 04.04.06 in respect of the applicant as desired by the borrowing department which was processed by the borrowing department subsequently as evident from their letter No. ZAO/CBDT/Shill/MB/06-07 dated 08.05.2006, issued from the office of the Respondent No. 3.

Copy of "No-objection certificate dated 04.04.06 and letter dated 08.05.06 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- VIII and IX respectively.

- 4.11 That having all the procedural formalities been completed, when the applicant was expecting for his permanent absorption in the borrowing department, surprisingly the office of the Respondent No. 3 issued the impugned office order No. 84/06-07 vide No. Adm/S-1/06-07/Pr.CCA/691 dated 18.07.2006 seeking to repatriate the applicant to his parent department w.e.f. 25.07.2006 in an arbitrary manner putting the applicant in an unsettled and embarrassing position all on a sudden.

Copy of impugned office order dated 18.07.06 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- X.

- 4.12 That situated thus, the applicant submitted one representation on 26.07.06 to the Respondent No. 3 narrating his problems and prayed for further extension of his deputation for one year or grant of permanent absorption

Mono behari Chakraborty

in his department. But in the meantime, the office of the Respondent No. 3 issued the impugned order of repatriation vide No. ZAO/ESTT/PF/MBC/2002-03/760-63 dated 25.07.2006 repatriating the applicant to his parent department w.e.f. 25.07.2006 (F.N). It is relevant to mention here that the order of repatriation was issued when the applicant was on leave. The applicant was granted Earned leave for the period from 24.07.2006 to 07.08.2006 vide office order No. ZAO/ESTT./PF/MBC/2002-03/737 (A) dated 24.07.2006.

Copy of representation dated 26.07.06, impugned repatriation order dated 25.07.06 and office order dated 24.07.06 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- XI, XII and XIII respectively.

- 4.13 That the applicant thereafter submitted application on 08.08.2006 praying for extension of his leave for a further period of 90 days w.e.f. 08.08.06 and anxiously waited for consideration of his representation dated 26.07.06. But the office of the Respondent No. 3 vide it's letter No. ZAO/ESTT/PF/MBC/2002-03/906 dated 22.08.2006 informed the applicant that since the applicant stood repatriated, hence his application for extension of leave cannot be sanctioned and as such the same has been forwarded to the higher authority for necessary action.

Copy of letter dated 22.08.06 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- XIV.

- 4.14 That having found no response thereafter, the applicant eventually joined on 15.01.2007 in his parent office i.e. in the office of the Superintending Engineer (Coord & Trg.), PWD, Arunachal Pradesh, Itanagar. On his joining, the Superintending Engineer (Coord. & Trg.), Itanagar issued the office order No. SE (Coord)/4/06-07/3122-29 dated 17.01.2007 whereby

Mono behari Chakraborty

the applicant has been sought to be posted in the office of the Executive Engineer, Sangram Division, PWD, Arunachal Pradesh.

Copy of posting order dated 17.01.07 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- XV.

- 4.15 That the applicant begs to state that due to his sudden repatriation and joining in his parent office thereafter he has been facing lot of domestic problems and financial hardships which will take some time to reconcile to, which somehow he has been managing at Itanagar. But his proposed posting in Sangram Division will make him to move out of Itanagar which will put him in further difficulties causing great financial hardships and educational problems of his child at this stage.
- 4.16 That the applicant most respectfully begs to state that he has served as Accountant on deputation basis for long four years in the office of the Respondent No. 3, and has performed to the satisfaction of the authority. Actions were initiated for extension of his deputation for a further period of one year w.e.f. 25.07.2006 for which the concurrence of the parent department also was obtained by the office of the Respondent No. 3. But thereafter the sudden repatriation of the applicant to his parent department is arbitrary, malafide, motivated and passed on extraneous considerations, and violative of the principles of natural justice.
- 4.17 That it is submitted that following the repatriation of the applicant, the office of the Respondent No. 3 has again appointed one colleague of the applicant from the same office of PWD, Govt. of Arunachal Pradesh as Accountant on deputation in the office of Respondent No. 3 in place of the applicant. This clearly indicates that the repatriation of the applicant was uncalled for, malafide, motivated, unjust and suffers from vice of illegality.

Mono behari Chakraborty

4.18 That the applicant most respectfully begs to submit that the Government of India, Ministry of Finance, decided to absorb the deputationists in the cadre of LDC and Accountant as stated hereinabove, pursuant to which the willingness from the applicant and the "No objection certificate" from the parent department was obtained and procedural formalities thereof were completed. It was also clearly mentioned in the O.M dated 14.03.2006 (Annexure-VI) that there was an acute shortage of manpower in the cadre of LDC and Accountant in the Ministry/Department and in order to strengthen the manpower and also in public interest, it was decided to absorb the deputationists in those cadres. But even thereafter, non-absorption of the applicant and his repatriation to his parent department is malafide, arbitrary, unfair, illegal, based on extraneous considerations and violative of the principle of natural justice.

4.19 That the applicant most humbly begs to submit that he is legitimate expectant for being absorbed as per the "Doctrine of legitimate expectation" and denial of this benefit to him and that too without any reason and without providing any reasonable opportunity being heard to the applicant, smacks malafide and strikes at the root of the principle of natural justice, more so, when there has been a policy decision of the Government to absorb the said deputationists.

It is relevant to mention here that the Hon'ble Apex Court has categorically held in Rameshwar Prasad -Vs- Managing Director, U.P. Rajkiya Nirman Nigam Ltd. & Ors. [reported in (1999) 8 SCC 381] that where a policy of absorption of a deputationist is laid down, there must be some valid and justifiable reason for not absorbing a person. This principle has not been followed in the instant case of the applicant.

4.20 That the applicant begs to submit further that he has served under deputation under the Respondents in the Central Board of Direct Taxes for four years and desks were cleared for further extension of his deputation

Mono behari Chakraborty

for the fifth year as well. As such he has acquired a valuable right for permanent absorption in the said department and denial of the same to the applicant is arbitrary, unfair and illegal, more so, when there is an acute shortage of manpower in the department and all procedural formalities had been completed for absorption of the applicant but resorted to a volte-face thereafter.

4.21 That due to non-absorption of the applicant by the Respondent borrowing department, the applicant has suffered irreparable losses and finding no other alternative, the applicant is now approaching before this Hon'ble Tribunal for protection of his rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant by directing the authorities to absorb the applicant in the cadre of Accountant on permanent basis in recognition of his service under deputation and in the light of policy decisions notified by the Government for such absorption in the instant case.

4.22 That this application is made bonafide and for the cause of justice.

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

5.1 For that, the applicant has served as Accountant under deputation in the office of the Respondent No. 3 for four years continuously and desks were cleared for further extension of his deputation for fifth year as well. As such he has acquired a valuable and legal right for permanent absorption.

5.2 For that, the Govt. of India, Ministry of Finance has notified that there is an acute shortage of manpower in the cadre of LDC/Accountant under the Ministry/Department and decided to absorb the existing deputationists in the cadres. As such, the applicant is entitled for absorption in terms of the professed policy adopted by the Government, and denial of the same is malafide, unfair and opposed to the professed policy.

Mono behari Chakraborty

- 5.3 For that, the office of the Respondent No. 3 of the borrowing department, in compliance with the decision of the Government, obtained willingness from the applicant and "No objection certificate" from the parent department for his absorption, but thereafter resorted to a sudden volte-face and repatriated the applicant to his parent department, which is arbitrary, malafide, unfair, illegal and violative of the decision of the Government.
- 5.4 For that, the applicant is a legitimate expectant for being absorbed, as per the "Doctrine of legitimate expectation".
- 5.5 For that, the applicant has been repatriated without any cogent reason and without providing any reasonable opportunity of being heard, particularly when there are vacancies under the borrowing Ministry/ departments and when it was decided to fill up those vacancies by absorbing the existing deputationists and the case of the applicant was finally processed for absorption. As such denial of absorption at this stage and repatriating the applicant is malafide, arbitrary and opposed to the principles of natural justice.
- 5.6 For that, after repatriating the applicant to his parent department, another person from the same department has been taken on deputation in his place in the office of the same Respondent No. 3 and as such there had been no reason to repatriate the applicant which smacks malafide, discriminatory and amounts to unfair labour practice and violative of Article 14 and 16 of the Constitution of India.
- 5.7 For that, it is the settled position of law that where a policy of absorption of a deputationist is laid down, there must be some valid and justifiable reason for not absorbing a person. This principle has not been followed in the instant case.

Mono behari Chakraborty

- 5.8 For that due to illegal denial of his permanent absorption, the applicant has suffered irreparable losses and has been deprived of his legitimate rights in an unjust and arbitrary manner.

6. Details of remedies exhausted.

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

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

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

8. Relief (s) sought for

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to declare that the applicant is eligible for permanent absorption in the cadre of Accountant in the office of Respondent No. 3 and the office order No. Adm/S-1/06-07/ Pr.CCA/ 691 dated 18.07.2006 (Annexure-X) and No. ZAO/ESTT/ PF/MBC/2002-03/760-63 dated 25.07.2006 (Annexure-XI) as void-ab-initio.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondent borrowing department, particularly the Respondent No. 3 to consider absorption of

Mono behari Chakraborty

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the applicant on permanent basis in the cadre of Accountant in recognition of his services under deputation and in the light of the decision of the Government communicated through O.M dated 14.03.2006 and circular letter dated 16.03.2006 (Annexure-VI Series).

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

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

9.1 That the Hon'ble Tribunal be pleased to stay operation of the impugned office order No. SE (Coord.)/4/06-07/3122-29 dated 17.01.2007 (Annexure-XV) and direct the respondent authorities to allow the applicant to continue in his existing position at Itanagar till disposal of the Original Application.

9.2 That the Hon'ble Tribunal be pleased direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

10

11. Particulars of the I.P.O

i)	I.P.O No.	: 286959812
ii)	Date of issue	: 26.12.06.
iii)	Issued from	: G.P.O. Guwahati
iv)	Payable at	: G.P.O. Guwahati

12. List of enclosures:
As given in the index.

Mono behari Chakraborty

VERIFICATION

I, Sri Monobehari Chakraborty, aged about 54 years, working as Upper Division Clerk (UDC), Office of the Superintending Engineer, Capital Circle-cum-Coord. & Trg., Public Works Department, Govt. of Arunachal Pradesh, Itanagar, applicant in the instant application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 9th day of February 2007.

Mono Behari Chakraborty

The Deputy Controller of Accounts,
Office of the Principal Chief
Controller of Accounts,
Central Board of Direct Taxes,
9th floor, Loknayak Bhawan,
New Delhi-110003.

(Through proper channel)

Subj: - PRAYER FOR THE POST OF ACCOUNTANT (DEPUTATION BASIS).
Ref: - Your No. Adv. employment news EN-38/65 dt. 22-28 Dec' 2001.
Sir,

In response to your above mentioned advertisement,
I beg to offer myself as a candidate for one of the same.

The required particulars in support of my candidature
are furnished below for favour of your kind and sympathetic
consideration please.

PROFORMA FOR APPLICATION.

1. Name : - Shri. Mono Behari Chakraborty.
2. Date of birth: - 17-5-1954.
3. Designation: - U.D.C.
4. Category : - General.
5. Present Scale & Basic Pay: - 1) Scale: - 4000-100-6000/-
ii) Basic Pay: - 5000/-
6. Present place of posting: - Office of the Executive Engineer,
Seppa P.W. Division, Seppa,
P.O.: - SEPPA, Distt: - East Kameng
(ARUNACHAL PRADESH).
7. Choice of Station for
Posting of Deputation: - MEERUT. (if not possible, kindly
consider as per your
choice please).
8. Date of entry in Govt
Service. : - 9-7-76 (FN)
9. Edl Qualification: - Passed H.S.L.C. Examination from the
Board of Secondary Education, Assam in
the year 1971 and also appeared in
P.U. Examination for Gauhati University
in the year 1972.
10. Experience: - 1. ^{Since} my appointment in Arunachal
Pradesh CPWD Zone, I was working in
Estt. Section/works Section from 76 to
81.
2. Working As Cashier from 10-10-83 to
till to date.

I hereby under take that in the event of my selection
for deputation, I will not withdraw my candidature please.

Yours faithfully

(Signature)
28/12/01

(M.B. Chakraborty)
Seppa P.W. Division, Seppa,
Arunachal Pradesh

(P.T.O.)

*Attested
By
Advocate*

NO SA/COOH-16/2000-01/ 5020

-16-

Dt. 4/1/00²

To.

ANN-I (contd.)

The Superintending Engineer,
Rupa Circle, P.W.D. A.P.,
R U P A.

Sub :-

POST OF DIVISIONAL ACCOUNTANT ON DEPUTATION
BASIS.

Sir,

Enclosed please find herewith an application
Received from Shri M.B. Chakraborty which is
self explanatory for favour of your further necessary
action please.

Encls: - i) Application = 1 No.
ii) Advertisment (Paper
Cutting) 1 No.
iii) Blank Copy of Certificate
1 No.

Yours faithfully,

[Signature] 28/12
Executive Engineer,
Seppa Division, P.W.D.,
Seppa, (A.P.).

nc

,

*Attested
Advocate*

-17-
GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE SUPERINTENDING ENGINEER: RUPA CIRCLE PWD: AP:
PIN :: 790 003

ANN-I (contd.)

NO. SER/E-111/19/2002/
70

Dtd. Rupa, the _____ Jan'02.

The Deputy Controller of Accounts
Office of the Principal Chief
Controller of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhawan,
Khan Market,
NEW DELHI - 110003

Sub :-

APPLICATION FOR THE POST OF
ACCOUNTANT ON DEPUTATION.

Sir,

An application on the above mentioned subject as received from Shri A.S. Chakraborty, UDC of this Depptt. is forwarded herewith as per proforma for your further necessary action please. The CRs for last 3 years is being sent separately.

Enclo :- As stated above.

Yours faithfully,

EXECUTIVE ENGINEER (HQ)
RUPA CIRCLE: PWD: AP: RUPA.

NO. SER/E-111/19/2002/3808-09
Copy to :-

Dtd. Rupa, the 17th Jan'02.

The Executive Engineer, Seppa division
for information with reference to his
letter NO. SA/CASH-16/01-02/5020 dtd.
4-1-2002.

21/01/02
30/8
21/01/02

N. R. Roy
17/1/2002
EXECUTIVE ENGINEER (HQ)

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
9TH FLOOR, LOK NAYAK BHAWAN, KHAN MARKET
NEW DELHI - 110 003.

Gram : CEBACS

Phone Nos. 4693843, 4694571, 4622788, 4622744, 4615617, 4622002, 4622431
Fax Nos. 4698279, 4691682, 4604880

NO. ADMN/S-1/02-03/PR.CCA/571-78

Dated : 14.05.02

OFFICE ORDER NO.47/02

Competent Authority is pleased to appoint Sh. M.B. Chakraborty, UDC, Office of the Supdt. Engineer, RUPA Circle, PWD, Arunachal Pradesh, as Accountant in the scale of Rs.4000-100-6000 on deputation basis with effect from the date he reports for duty in this organization at Shillong. His deputation is subject to the following terms and conditions :

1. The period of deputation will be initially for one year subject to a maximum of three years or till a regular incumbent joins, whichever is earlier.
2. He will have the option either to get his pay fixed in deputation post under the normal rules FR.22(1)(a)(1): (1)(a)(2) etc. or his basic pay in the parent department plus personal pay, if any, and deputation (duty) allowance of 10% of basic pay subject to a maximum of Rs.1000/- P.M. The option once exercised will be final.
3. Pay plus deputation allowance will not exceed the maximum of scale of pay of ex-cadre post.
4. Joining time will be admissible as per existing rules.

R.C. Batra
(R.C. BATRA)
Sr. Accounts Officer

Copy to :

1. Sr.PS/PS to Pr.CCA/CCA/Dy.CA.
2. The Executive Engineer (HQ), RUPA Circle, Public Works Deptt., West Kameng Dist., Arunachal Pradesh, PIN-790 003.
- ✓ 3. Sh. M.B. Chakraborty, UDC, LDC, through Sr. No. 2 above.
4. Asstt. Controller of Accounts, CBDT, Calcutta.
5. ZAO, CBDT, Shillong. Dhankeheti, Shillong - 793 001.
6. Office order file.

Attested
Advocate

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE EXECUTIVE ENGINEER : SEPPA DIVISION
11 PWD 11 AP 11 SEPPA 11

ANNEXURE-III

OFFICE ORDER.

Consequent upon his appointment as
Accountant on deputation basis and posting at Shillong
ordered vide No. AMN/5-1/02-03/PR.CCA/571-73
dtd. 14/5/2002 of Sr. Accounts Officer, Office of the
Principal Chief Controller of Accounts, Central Board of
direct Taxes, New Delhi, Shri. M.B. Chakraborty, UDC is
heretby relieved from this division w.e.f. the after noon
of 16th July/2002 to enable him to join his new assignment.

17/7/02

Sd/- T. KAMCHAI
Executive Engineer,
Seppa Division, PWD,
Seppa, (A.P.).

Dated, Seppa the...

No. SEPPA/Estt-16/2002-03/1019-25
Copy to :-

1. Office Order Book.
2. The Principal Chief Controller of Accounts, Central Board of Direct Taxes, 9th floor, Lok Nayak Bhawan, Khas Market, New Delhi - 110003 for favour of information please.
3. The Superintending Engineer, for favour Rupa Circle, PWD, AP, Rupa. of information
4. The Superintending Engineer, and necessary (Coord), Itanagar. action please.
5. The Divl. Accountant, Divl. Office, PWD, AP, Seppa for information.
6. The Bill Assistant, Divl. Office, PWD, AP, Seppa for information.
7. Shri. M.B. Chakraborty, UDC for information and necessary action.

Assisted
Advocate

W.B.
Chakraborty

Date of joining
as Accountant -
on 24/7/02 (F.N.)

Executive Engineer,
Seppa Division, PWD,
Seppa, (A.P.).

ANNEXURE -IV (Series)

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES,
9TH FLOOR, LOK NAYAK BHAWAN, KHAN MARKET,
NEW DELHI - 110 003.

Gram : CEPACS

Phone Nos. 4693843, 4694571, 4622788, 4622744, 4615617, 4622002,
Fax Nos. 4698279, 4691682, 4604880

Admin/S-1/03 01/Pr.CCA/1525-30

Dated: 14.10.2003

OFFICE ORDER NO. 158 / 2003

Competent Authority is pleased to extend the period of deputation in respect of the following Accountants for the Second year with effect from the dates mentioned against their names :-

S.No.	Name & Designation S / Shri	Date of commencement of Second year of deputation.
1	Shri M.B. Chakraborty, Accn. ZAO/CBDT/ Shillong.	24.07.2003
2	Shri K.K. Kesarwani, Accn. ZAO/CBDT/ Kampur.	12.07.2003

R. Gupta
(RAKSHA GUPTA)
Sr. Accounts Officer (Admin)

Copy to

1. Sr.PS / PS to Pr.CCA / CCA
2. Dy. C.B.D.T. Kampur.
3. ACA, C.B.D.T. Kolkata
4. ZAO/CBDT Shillong / Kampur.
5. Shri M.B. Chakraborty, through Sr. No. 4.
6. Shri K.K. Kesarwani, through Sr. No. 4.
7. Office Order File.

*Attended
Advocate*

*hmt
ADP/ECU
12x13*

ANNEXURE-IV (contd.)

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
9TH FLOOR, LOK NAYAK BHAWAN, KHAN MARKET, N. DELHI-3

Dated: 19.07.2004

Admn. 5-1/04-05/Pr.CCA/ 884-90

OFFICE ORDER NO. 74 / 2004

Competent Authority is pleased to extend the period of deputation for the third year in respect of Shri M. B. Chakraborty, Accountant with effect from 25.07.2004 at ZAO/CBDT/ Shillong.

R. Gupta
(RAKSHA GUPTA)
Sr. Accounts Officer (Admin)

Copy to:

1. Sr.PS/PS/PA to Pr. CCA/CCA/Dy. CA at Hqrs.
2. ACA, CBDT, Kolkata.
3. ZAO/CBDT/ Shillong.
4. Shri M. B. Chakraborty, Acctt through Sr.No. 3..
5. Exam & CR Section.
6. The Executive Engineer, SEPPA P.W. Division, Public Works Department, East
Kemang Estt. Arunachal Pradesh - 790104.
7. Office Order File.

Attested
Advocate

29/7



- 22 - ANNEXURE-IV (Contd.) 32

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
9TH FLOOR, LOK-NAYAK BHAWAN, KHAN MARKET
NEW DELHI - 110 003.

Gram : BACS Phone Nos. 4693843, 4694571, 4622788, 4622744, 4615617, 4622002, 4622431
Fax Nos. 4698279, 4691682, 4604880

Admn./5-1/05-06/Pr.CCA/185-90

Dated : 15.04.2005

OFFICE ORDER NO. 09 / 2005-06

Competent authority is pleased to extend the period of deputation for the fourth year with the approval of Secretary (Revenue) in respect of the following Accountants with effect from the date mentioned against their names :

Sl.No.	Name of the Official	Extension with effect from
1	Ms. Sanghmitra Barua ZAO/CBDT/Jaipur	24.04.2005
2	Shri S.K. Bhalla ZAO/CBDT/New Delhi	29.04.2005
✓ 3	Shri M.B. Chakraborty ZAO/CBDT/Shillong	26.07.2005

R. Gupta
(RAKSHA GUPTA)
Sr. Accounts Officer(Admn)

Copy tfor information & necessary action to :-

1. ZAO/CBDT/ Jaipur in respect of Sr. No. 1
2. ZAO/CBDT/ New Delhi. in respect of Sr. No. 2.
3. ZAO/CBDT/ Shillong in respect of Sr. No. 3.
4. Individual concerned.
5. Section Officer (Civil) M/o Defence, Naval Headquarter, Dte. Of Admn. A Block
Hutments DHQ PO New Delhi -11. (in respect of Sr. No. 1)
6. Addl. Dy. Director/E, Intelligence Bureau, Headquarters, New Delhi (Official at
Sl.No.2).
7. The Executive Engineer, SEPPA, P.W. Division, Public Works Deptt., East
Kemong East, Arunachal Pradesh - 790104 (Official at Sl.No.3).
8. Sr.PS/PS to Pr. CCA/CCA/Dy.CA at HQ.
9. Sr.AO/AO Estt. /Exam & CR Section at HQ.
10. Office Order File/Spare Copies.



- 23 - ANNEXURE-V (Series)

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
9TH FLOOR, LOK NAYAK BHAWAN, KHAN MARKET
NEW DELHI - 110 003.

Gram: CEBACS

Phone Nos. 4693843, 4694571, 4622788, 4622744, 4615617, 4622002, 4622431
Fax Nos. 4698279, 4691682, 4604850

F.No.Admn.5-1/05-06/Pr.CCA/449-450

Dated : 22.06.2006.

To

23 JUN 2006

The Superintending Engineer (Coordination),
Arunachal Pradesh,
P.W.D.,
Circle, Itanagar.

Sub : Extension of deputation period for fifth year in respect of Sh. M.B. Chakraborty,
Accountant.

Sir,

Shri Mono Behari Chakraborty, UDC, presently working as Accountant on deputation basis in this office, has applied for extension of deputation period for the fifth year. Fourth year of his deputation will be ending on 24.07.2006.

In this connection, it is requested to intimate the concurrence of your office for the extension for the fifth year so as to enable this office to take further necessary action in this regard.

Yours faithfully,

R.K. Jain
(R.K. JAIN)

SR. ACCOUNTS OFFICER (ADMN.)

Copy to :

1. ZAO/CBDT/ Shillong for information.

AAO/Es 17
for n.a.p.
26/6/06

Attested
By
Advocate

-24-

ANNEXURE-V (Contd.)

○

5



Fax - 0360-2212277

GOVT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
ZONAL ACCOUNTS OFFICE, SHILLONG -793003

No. ZAO/Estt./PF/MBC/02-03/ 622,

Dt: 5th. July, 2006.

To,

✓The Superintending Engineer (Coord)
PWD, Itanagar Circle,
Arunachal Pradesh.

Sub: - Extension of deputation period for 5th. year in respect of Sri.
M.B.Chakraborty, Accountant.-Reg.

Sir,

A reference is invited to Pr. CCA, CBDT, New Delhi's office letter No. Admn.5-1/05-06/Pr. CCA/449-450 dt. 22-06-2006 addressed to your office with a copy endorsed to this office, on the subject cited above.

In this connection, it is requested that the necessary concurrence of the parent department for continuation on deputation of the concerned official for the fifth year, in the organization of Pr. CCA, CBDT, may kindly be communicated directly to the Pr. CCA, CBDT, 9th. Floor, Lok Nayak Bhavan, Khan Market, New Delhi-110 003, under intimation to this office, at an early date.

This matter may kindly be accorded top priority.

Yours faithfully,

(L.K.SINGHA)

ZONAL ACCOUNTS OFFICER.

Copy to:-

The Sr. Accounts Officer (Admn), o/o the Pr. CCA, CBDT, 9th. Floor, Lok Nayak Bhavan, Khan Market, New Delhi-110 003 w.r.t. his letter No. Admn.5-1/05-06/Pr. CCA/449-450 dt. 22-06-2006.

*Directed
to
Advocate*

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CHIEF ENGINEER, WESTERN ZONE, PWD, AP, ITANAGAR. 79.

NO.CEAP(WZ)/Addl.CE(Coord.&Trg.)/E-II/42/06/

Dtd.

To,

The Principal Chief Controller of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi-110 003.

Subj:- Extension of Deputation Period.

Ref:- No.ZAO/Esstt./PF/MBC/02-03/622 dtd.5.7.2006.

Sir,

In inviting a reference to the above quoted letter, it is to intimate that Shri M.B.Chakraborty, UDC is hereby allowed for extension his deputation period for further 1(one) year beyond 24.07.2006(AN) i.e.5th year.

Yours faithfully,

24/7/2007

(Er.T.Gonge)
Addl.Chief Engineer(Coord.&Trg.)

NO.CEAP(WZ)/Addl.CE(Coord.&Trg.)/E-II/42/06/1998-99 Dtd. 17/7/06

Copy to:-

The Principal Chief Controller of Accounts,
Central Board of Direct Taxes, Zonal Accounts
office Shillong-793 003 for information with
reference to his letter No.ZAO/Esstt./PF/MBC/
02-03/622 dtd.5.7.2006.

*Directed
to
Advocate*

(Er.T.Gonge)
Addl.Chief Engineer(Coord.&Trg.)

Addl. Chief Engineer(Coord. & Trg.)
Western Zone, PWD
AP, Itanagar

**BILL FORM FOR DRAWING WAGES IN RESPECT OF
GROUP-D(TEMPORARY STATUS)**

(1) WAGES FOR THE MONTH OF:-

(2) NAME :-

(3) BASIC PAY:-

(4) DAYS ON WHICH DUTY ATTENDED:-

(5) TOTAL NUMBER OF DAYS ON WHICH DUTY ATTENDED:-

Signature of the Employee

(6) CALCULATION PER DAY:-

BASIC:-
DP:-
DA:-
HRA:-
HCA:-
TA:-
TOTAL:-

(7) TOTAL PAY:-

No.A.11020/1/2002/MF.CGA(A)/ 438
Government of India
Ministry of Finance
Department of Expenditure
Controller General of Accounts
Lok Nayak Bhawan
New Delhi

Office Memorandum

Encl : as above

(D.A.) T. Dason
Accounts Officer

Adm. Policy 2

Pl. spl. ~~Wain~~ 16/3

(Wain)

- 28 - Ministry of Revenue

ANNEXURE VI (contd.) 42

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF
ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
9TH FLOOR, LOK NAYAK BHAWAN, KHAN MARKET
NEW DELHI - 110 003.

Gram:
CEBAGS

Phone Nos. 4693843, 4694571, 4622788, 4622744, 4615617, 4622002, 4622431
Fax Nos. 4698279, 4691682, 4604880

Admn./5-1/05-06/Pr.CCA/3781-3810

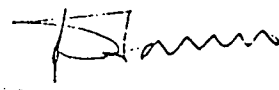
Dated : 16.03.2006.

To

All ZAOs

Sub: Absorption of deputationists in the grade of LDC and Accountant.

A copy of CGA office O.M. No. A-11020/1/2002/MF.CGA (A)/ 438 dated 14.03.2006 regarding absorption of deputationists in the grade of LDC and Accountant in the CCAS Cadre is forwarded herewith for information and necessary action. Willingness of the deputationists who want to be absorbed in this organization may be obtained from the deputationists and sent to this office latest by 25.03.2006, so that the NOC from the concerned cadre controlling authority may be obtained.


(DEEPIKA JAIN)
Dy. Controller of Accounts

Encl: As above.

Copy to : All Sections at HQ.

AAZ / Estt.

Early adm. M

Selected
with
Advocate



ANNEXURE-VII

Govt. Of India
Ministry Of Finance
Office Of the Principal Chief Controller Of Accounts
Central Board Of Direct Taxes

Zonal Accounts Office, Shillong - 793003

No ZA/VCDDT/Shillong/MAU/05-06/ 2229-32 Dt. 27-3-06

To

The Executive Engineer
P.W.D Division, Seppa
East Kameng District
Arunachal Pradesh, No. 790102

Subj:- Absorption of deputationist, Shri M.B. Chakraborty, U.D.C etc.

Sir,

I am to state that Shri M.B. Chakraborty, UDC of your office, who came on deputation to this organization has expressed his willingness for permanent absorption. On 11.04.06 Office of the Principal Chief Controller Of Accounts, Central Board Of Direct Taxes, 9th floor, Loknayak Bhawan, Khan Market, New Delhi-110003 has asked this office to obtain the necessary No Objection Certificate from the cadre controlling authority.

I am therefore to request you to arrange for issue of a N.O.C and forward the same to the aforesaid office or to this office at an early date.

Yours faithfully,

(L.K. Singha)

Zonal Accounts Officer

Copy forwarded to the Dy. Controller, O/O the Principal Chief Controller Of Accounts, CBDDT, 9th floor, Loknayak Bhawan, Khan Market, New Delhi-110003 for information.

2 The Chief Engineer, Arunachal Pradesh, PWD Western Zone, Jnanagar-791111

3 The Super. Engineer, Rupa P.W.D. Rupa East Kameng Dist, Arunachal Pradesh

Zonal Accounts Officer

AA/1/1/1

No objection

Attested
Advocate

419879

0364222192760(12)

ANNEXURE-VIII" NO OBJECTION CERTIFICATE "

Certified that this department has
'No Objection' if Shri M.B.Chakrabarty,UDC(Now on deputation)
is absorbed permanently under the Department of the Principal
Chief Controller of Accounts,Central Board of Direct Taxes
9th Floor, Lok Nayak Bhawan, Khan Market New Delhi-110003.

No 46 dtd 4/4/06

(Er.T.Gongo)
Adml.Chief Engineer (Coord.& Insp.)

00/00

Attested
Auth
Advocate

- 31 -

GOVERNMENT OF INDIA
OFFICE OF THE PR. CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
ZONAL ACCOUNTS OFFICE, DHANKHETI
SHILLONG - 793003

ANNEXURE-IX

FAX:-0364-2224927

PHONE:-0364-2501717

E-cbdtshill@dataone.in

ZAO/CBDT/Shill/MB/06-07

dated 8-5-06

To

Senior Accounts Officer(Admin)
O/o Pr Chief Controller Of Accounts
Central Board Of Direct Taxes
9th floor, Lok Nayak Bhawan, Khan Market
New Delhi-110003

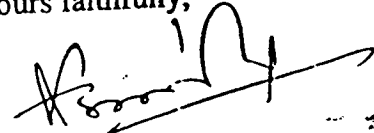
Sub:-Absorption of deputationist in the grade of LDA and Accountant etc.

Sir,

I am to refer to PrAO letter no Admn5-1/05-06/PrCCA/3821-45 dated 21-03-06 and this office letter no ZAO/CBDT/Shill/MB/05-06/2233 dated 27-03-06 on the subject indicated above and to send the NOC received from the parent department for absorption in this organization in respect of Sri M.B.Chakraborty, Acctt on deputation from PWD, Govt Of Arunachal Pradesh.

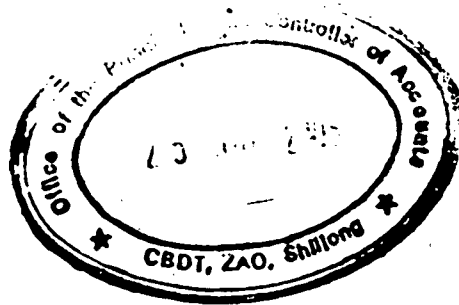
Enclo:-As above

Yours faithfully,



(L.K.Singha)
Zonal Accounts Officer

Attested
with
Advocate



- 32 -

ANNEXURE - XI

(ADVN)

46

OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
3RD FLOOR, LOK NAYAK BHAWAN, KILAN MARKET
NEW DELHI - 110 003.

Phone Nos. 4691571, 4622788, 4622744, 4615617, 4622002, 4622431 Fax Nos. 4698279, 4691682, 4601880

NO. Adm/S-1/06-07/Pr CCA/691

Dated : 18.07.06

Office Order No. 84/06-07

The following officials who were on deputation to this organization as Accountants with effect from the date shown against them with the direction to report to their parent Department.

Name & Designation	Present place of posting	Lending dept	Date of repatriation
Sri Krishan Kumar Kesharwani, Acctt.	ZAO, Kanpur	O/o Chief Controller of explosive, Nagpur	With immediate effect.
✓ Sri M B Chakraborty, Acctt	ZAO, Shillong	O/o SE PWD, Itanagar, Arunachal Pradesh	25.07.06

This issues with the approval of CCA

R.K. Jain
(RK Jain)
Sr AO

Copy to:

- ZAO, Kanpur
- ZAO, Shillong
- Individual Concerned
- Admin /CR Sect
- O/o Chief Controller of Explosive, Nagpur
- O/o SE PWD, Itanagar
- No file c/file

Allister
Advocate

To,

The Senior Accounts Officer (Admn)
Of Principal Chief Controller of Accounts,
Central Board of Direct Taxes,
9th floor, Lok Nayak Bhawan,
Khan Market,
New-Delhi - 110003.

ANNEXURE - XI

47

Sub: - Reputation order No. 84/06-07

Ref: - Jom No. Admn/5-1/06-07/Pr. cer/691 dt. 18.7.06.

Respected Sir,

In response to your above mentioned order it is not clear after obtaining 2 (two) Nos. Certificates from my parent department (Arunachal Pradesh P.W.D) I have received suddenly the above mentioned order from your end. Resulting which I am facing a great trouble being a family member and a college going student who is a B.A. final year student.

In this connection it is requested kindly consider my case by giving extension of Reputation Period for another one year or by absorption to your department and oblige.

If your kind honour consider my case as praid for I will solve all of my problem and to serve peacefully with mental satisfaction.

Thanking you Sir.

Yours faithfully

(M.B. Chakraborty) Accountant-
(Now on leave)
Of Zonal Accounts Officer
Central Board of Direct Taxes,
Shanmukhi, Shillong-3.

Dated Shillong, the 26-7-06.

NO. MBG/PF/06-07/
Copy to: -

① The Chief Controller of Accounts, Central Board of Direct Taxes, 9th floor, Lok Nayak Bhawan, Khan Market New-Delhi for information and necessary action please.

Attested
By
Advocate

(M.B. Chakraborty) Acctt. (Now on leave)
Of Zonal Accounts Officer
Central Board of Direct Taxes

TEL: (0364) 2224927.



FAX: (0364) 2224927

GOVT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
ZONAL ACCOUNTS OFFICE, SHILLONG -793003

ANNEXURE-XII

No. ZAO/ESTT./PF/MBC/2002-03/ 760-63.

Dt: 25th. July, 2006.

OFFICE ORDER.

In pursuance of the o/o Pr. CCA, CBDT, New Delhi's Office Order No. Adm/S-1/06-07/Pr. CCA/691 dt. 18-07-2006, Sri. Mono Behari Chakraborty, Accountant, hereby stands repatriated to his parent department, i.e., o/o The Supdt. Engineer (Coord), Itanagar, Arunachal Pradesh w.c.f. 25.07.2006. (F/N).

(L.K.SINGHA)
ZONAL ACCOUNTS OFFICER

Copy to:-

1. The Dy. Controller of Accounts (Adm), o/o the Pr. CCA, CBDT, 9th. floor, Lok Nayak Bhavan, Khan Market, New Delhi-110 003 w.r.t. his O.O. No. Adm/S-1/06-07/Pr. CCA/691 dt. 18-07-2006.
2. The Superintending Engineer-(Coord), PWD, Itanagar circle, Arunachal Pradesh.
3. The Deputy Controller of Accounts, o/o the PR. CCA, CBDT, Zonal Accounts Office, 20-B Abdul Hamid Street, 4th. floor, Kolkata-700 069 alongwith the request to take up the matter of shortage of staff, with the concerned authorities.

✓ 4. Person concerned.

Attested
By
Advocate

TEL: (0364) 2224927.



FAX: (0364)2224927.

GOVT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
ZONAL ACCOUNTS OFFICE, SHILLONG -793003

No. ZAO/ESTT./PF/MBC/2002-03/737(A)

Dt: 24th July, 2006.

OFFICE ORDER.


Sri. Monobehari Chakraborty, Accountant, is hereby granted earned leave for a period of 15 (Fifteen) days w.e.f. 24-07-2006 to 07-08-2006 with permission to prefix on 22nd. & 23rd. July, 2006 being Saturday & Sunday respectively, under revised (CS) leave rules, 1972, as amended from time to time.

(L.K.SINGHA)
ZONAL ACCOUNTS OFFICER

Copy to:-

✓ Sri. Monobehari Chakraborty, Accountant, ZAO, CBDT, Shillong-793 003

Attested
By
Advocate

Registered. 
ANNEXURE-XIV

TEL: 0364-2224927.

FAX: 0364-2224927.



GOVT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE PRINCIPAL CHIEF CONTROLLER OF ACCOUNTS
CENTRAL BOARD OF DIRECT TAXES
ZONAL ACCOUNTS OFFICE, DHANKHETI, SHILLONG -793003

NO: ZAO/ESTT/PF/MBC/2002-03/906

Dated: 22-08-2006.

To,

✓ Sri. Mono Behari Chakraborty,
House No. 5391, Vill. Haripur,
P.O. Saudanghi hut,
Dist. Jalpaiguri, West Bengal.

Sub: - Repatriation to parent department and application for extension of leave.-Reg.

With reference to your application dated 08-08-2006 (received in this office on 21-08-2006) for extension of leave for a further period of 90 days w.e.f. 08-08-2006, it is stated that, as you were aware of your repatriation from this organization to your parent department w.e.f. the forenoon of 25-07-2006 as communicated vide o/o the Pr. CCA, CBDT, New Delhi's letter No. Admn/S-1/06-07/Pr CCA/691 dt. 18-07-2006 (received at this end on 25-07-2006). you were supposed to join your parent department on expiry of the leave for 15 days and after availing the joining time as admissible.

However, on receipt of your application for extension of leave for a further period of 90 days, as mentioned hereinabove, it appears that you have not yet joined your parent office.

Since this office is not empowered to sanction anymore leave following your repatriation, the said application for extension of leave has been forwarded to the higher authority for necessary action.

(L.K.SINGHA))

ZONAL ACCOUNTS OFFICER.

Copy for favour of information to:-

1. The Deputy Controller of Accounts (Admn), o/o the Pr. CCA, CBDT, 9th. Floor, Lok Nayak Bhavan, Khan Market, New Delhi-110 003.
2. The Deputy Controller of Accounts, o/o the Pr. CCA, CBDT, Zonal Accounts Office, 20-B Abdul Hamid Street, 4th. Floor, Kolkata-700 069.

Attested
by
Advocate

Noted

1999(8)SC
Page 17:
Palay matters

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE SUPERINTENDING ENGINEER; CAPITAL CIRCLE-CUM-
COORD, TRG, PWD; AP; ITANAGAR

No.SE(Coord)/4/06-07/

Dtd.Ita,the...../2007

OFFICE ORDER

Shri M.B.Chakraborty, UDC who had joined in this office on 15/01/07 (F/N) on his repatriation from the office of the Principal Chief Controller of Accounts, Central Board of Direct Taxes, Zonal Accounts Office, Shillong is hereby re-posted in the office of the Executive Engineer, Sangram Division, PWD:AP: Sangram against existing vacancy with immediate effect in the interest of public service.

(Fr. K. Wahge)

Superintending Engineer(Coord & Trg.)

No.SE(Coord)/4/06-07/ 3122-29

Dtd.Ita,the 17/01/...../2007

Copy to:

1. Office order file
2. The Zonal Accounts Officer, office of the Principal Chief Controller of Accounts, Central Board of Direct Taxes, Zonal Accounts Office, Shillong for information with reference to his letter No.ZAO/Esstt/PF/MBC/2002-03/760-63 dtd.25/07/06 please.
3. The Superintending Engineer, Naharlagun Civil Circle, PWD:AP; Naharlagun.
4. The Executive Engineer, Sangram Division, PWD:AP: Sangram.
5. Shri M.B.Chakraborty, UDC.
6. Confidential Section.
7. Guard File.

Attested
With
Advocate

(Fr. K. Wahge)
Superintending Engineer(Coord & Trg.)

Attested