

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-148/96 ordersheet Pg-1 to 2 INDEX

Disposet date-19/2/98

O.A/T.A No.. 217/96.....

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

E.P/M.A No.. 148/96.....

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2. Judgment/Order dtd. 18/01/99.....Pg.....1.....to...4.....*Disposet*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 217/96

vs. R. N. Choudhury Applicant(s)

Union of India & ors. Respondent(s)

Advocates for the applicant(s)
Mr. J.L. Sarkar, M. Chandra
" B. Barmah,

Advocates for the Respondent(s)
Mr. S. Ali, Sr. C.G.S.C.

Office Notes

Date

Courts' Orders

This OA was received in February 1995 and was defective in various respects. The same was returned to the applicant and again submitted on 12.8.96 through Advocate with delay of condonation.

1.10.96

Learned counsel Mr. J.L. Sarkar for the applicant.

Issue notice on the respondent before admission.

List for consideration of admission and further orders on 20.11.1996.

Member

The 1PO annexed with the OA has become invalid. Page no. 20-27 Annexure-7 are handwriting but legible. These defectives have not been removed. The concerned Advocate may perhaps ask to submit a fresh 1PO.

20.11.96

Learned counsel Mr. J.L. Sarkar for the applicant. Learned Sr. C.G.S.C. Mr S. Ali for the respondents. Service report on the respondents are awaited.

List for show cause and for consideration of admission on 18.12.96.

Member

nkm

20/11

Fresh 1.P.O. Submitted with been dated 10.9.96. 246891

DR 1/c 19/9/96

(2) CA. 217/96

✓
Previous Reports are still
pending.

18.12.96

Learned counsel Mr M. Chanda for the
applicant. Learned Sr. C.G.S.C. Mr S. Ali for the
respondents. Mr Chanda has submitted type written
copies of the original application which consists
of some hand written annexures.

Heard Mr Chanda for admission and perused
the contents of the application and relief
sought. The application is admitted subject to the
decision on condonation of delay in
M.P.No.148/96. Issue notice on the respondents by
registered post.

List for written statement and further
orders on 24.1.1997.

The matter relates to the Division
Bench and to be listed before the Division Bench.

Member

BA
① Notice duly served on
Respt. No-1.

② - Show Cause has not
been submitted.

nk

19/12

30.1.97

No written statement has been filed.
There is no representation on behalf of the
respondents. Mr M. Chanda appears on behalf of
the applicant. For the ends of justice we
allow further two weeks time for written
statement.

List on 14.2.97.

Member

Vice-Chairman

trd

19/12

14-2-97

On the prayer of M^s. Ali, Sr.
C.G.S.C. further two weeks time is
extended from today to submit written
statement. If no written statement is
filed, this case will be heard without
merit.

List for order on 28-2-97.

Member

Vice-Chairman

lm

20/2

18.12.96
No need to issue
a fresh notice,
Notice already
issued and duly
served on Respt. No.
1.

BA
List on 4.2.97

28/1

written statement
has not been filed.

28/1
132

3

OA 217/96

3

27.2.97

28.2.97

Mr S. Ali, learned Sr. C.G.S.C., prays for further extension of time. On several occasions we had granted time for filing written statement. We are not inclined to grant any further extension of time. The case will be heard without written statement. The learned counsel for the parties submit that the case relates to Shillong and they desire that the matter may be heard at Shillong. In view of the submission made by the counsel for the parties, let this case be heard at Shillong. The date of hearing shall be notified later.

- 1) Notice duly served on R.1.
 - 2) No reply received from R.2 to 4.
 - 3) No W/S has been submitted.
 - 4) Memo of appearance not yet filed.
- 27/2

Member

Vice-Chairman

nkm

14.5.97

26.6.97

Learned counsel for both the parties submit that the case is ready for hearing.

- 1) No written statement has been filed.
- 2) Memo of appearance not yet filed.

List on 21.8.1997 for hearing.

Member

Vice-Chairman

trd

24/5

17.9.97

No W/S has been filed.
No appearance has been filed.

Case is ready for hearing.
List for hearing on 14.1.1998.

Member

Vice-Chairman

20-8-97

pg
19/9

- 1) Notice duly served on R. No. 1 & 2.
- 2) written statement has not been filed.
- 3) memo of appearance has not been filed.

5.2.98

Mr M. Chanda, learned counsel for the applicant prays for three days time to take further steps in the matter. Mr S. Ali, learned Sr. C.G.S.C. has no objection. List it on 11.2.98.

Member

Vice-Chairman

nkm

21.8.97

- 1) Memo of appearance has been filed.
- 2) No written statement has been filed.

6/2

21/8/97

11.2.98

Mr S. Ali, learned Sr. C.G.S.C. is not present because of his personal difficulty. List it on 26.5.98.

5-1-98

There is a Bihu Holiday on 14-1-98. Therefore, adjourn to 5-2-98.

Member

Vice-Chairman

nkm

5/8
12/2

12-2-98

~~APPROPRIATE~~

18-2-98

① Notices duly served on R.No. 1 and 2.

② W/S has not been filed.

③ Memo of appearance has been filed.

26.5.98 Adjourned to 15.6.98.

15.6.98. There was a reference. Adjourned to 24.6.98.

24.6.98 On the prayer of Mr. S. Ali, Sr. C.G.S.C. Case is adjourned to 14.7.98.

14.7.98

Mr S. Ali, learned Sr. C.G.S.C. prays for some time to file written statement. Several adjournment had been taken by Mr Ali. However, he assures the Tribunal that no further time will be taken. Accordingly the case is listed on 23.7.98.

Member

Vice-Chairman

nkm

5/8
15/7

23.7.98

On the prayer of Mr S. Ali learned Sr. C.G.S.C., the case is adjourned till 20.8.98.

Member

Vice-Chairman

nkm

5/8
24/7

1) Notices duly served on R. Nos 1 & 2.

2) W/S has been filed.

3) No W/S has been filed.

4) No W/S has been filed.

5) No W/S has been filed.

6) No W/S has been filed.

7) Notice duly served on R. Nos 1 & 2.

8) Notice duly served on R. Nos 1 & 2.

9) No W/S has been filed.

(5)

O.A: 217/96

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Notes of the Registry	Date	Order of the Tribunal
1) Notice duly served on R. Nos 1 & 2. 2) No. w/s has been filed. JLB 25/8	20.8.98 16 pg 24/8	On the prayer of Mr S.Ali, learned Sr.C.G.S.C the case is adjourned to 26.8.98 for hearing. Member Vice-Chairman
1) Notice duly served on R. Nos 1 & 2. 2) No. w/s has been filed. JLB 9/9	26.8.98 trd 27/8	On the prayer of Mr. S.Ali, learned Sr. C.G.S.C. this case is adjourned till 10.9.98. List on 10.9.98. Member Vice-Chairman
No. w/s has been filed. JLB 6-11	10.9.98	Mr. J.L.Sarkar, learned counsel appearing on behalf of the applicant submits that he is indisposed, therefore he is not in a position to argue the case today. Mr. S.Ali, learned Sr. C.G.S.C. also prays for adjournment. Accordingly the case is adjourned till 9.11.98. List on 9.11.98. Member Vice-Chairman
8-12-98 1) Notice duly served on R. Nos 1 & 2. 2) Written statement has not been filed. JLB 31/12/98	9.11.98 pg	Division Bench is not available. Case is adjourned to 9.12.98. Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p><u>28-12-78</u></p> <p>1) Notice duly served on R. Nos - 1-2.</p> <p>2) Written statement - has not been filed.</p> <p>28/12/78</p>	9.12.98	<p>Present: Hon'ble Justice Sri D.N. Baruah, Vice-Chairman.</p> <p>Hon'ble Sri G.L. Sanglyine, Administrative Member.</p> <p>Mr A.K. Choudhury, learned Addl. C.G.S.C on behalf of Mr S. Ali prays for adjournment as Mr Ali is unable to attend the Tribunal because of his indisposition. Prayer allowed.</p> <p>List on 29.12.98 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>6-1-99</u></p> <p>1) Notice duly served on R. Nos - 1 & 2.</p> <p>2) Written statement - has not been filed.</p> <p>6/1/99</p>	29-12-98	<p>On the prayer of Mr. J.L. Sarkar learned counsel for the applicant case is adjourned to 7-1-99 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>12-1-99</u></p> <p>1) Notice duly served on R. Nos 1 & 2.</p> <p>2) Written statement - has not been filed.</p> <p>12/1/99</p>	7.1.99	<p>Adjourned to 13.1.99.</p> <p>13.1.99</p> <p>There is no representation. Case is adjourned til 18.1.1999.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>9/2/99</u></p> <p>Copies of the Judgment have been sent to the D/Sec for issuing the same to the parties through Regd. Mail A.D.</p> <p>9/2/99</p>	18.1.99	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 217 of 1996

DATE OF DECISION.....18.1.1999

!! Shri R.N. Chaudhuri

(PETITIONER(S))

Mr J.L. Sarkar and Mr M. Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN
THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



a

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.217 of 1996

Date of decision: This the 18th day of January 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Ramendra Narayan Chaudhuri,
Retd. Pay & Accounts Officer,
Pay & Accounts Office,
Geological Survey of India (NER),
Shillong.

.....Applicant

By Advocates Mr J.L. Sarkar and
Mr M. Chanda.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Finance,
New Delhi.
2. The Controller General of Accounts,
Ministry of Finance,
Department of Expenditure,
New Delhi.
3. The Chief Controller of Accounts,
Principal Accounts Officer,
Ministry of Home Affairs,
New Delhi.
4. The Deputy Controller of Accounts,
Regional Pay & Accounts Office, MHA,
Shillong.

.....Respondents

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

.....

O R D E R

BARUAH.J. (V.C.)

Annexure 3 letter dated 10.10.1980 written by the
Accounts Officer, Principal Accounts Office, Ministry of
Home Affairs, New Delhi to the Deputy Controller of
Accounts, Regional Pay and Accounts Office(IB), Ministry of
Home Affairs, Shillong was issued for filling up a few
vacancies of Accounts Officers at Shillong. In the said

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letter it was stated as follows:

".....a few vacancies of Accounts Officers are to be filled up immediately at Shillong, Dhanbad and Bombay on permanent basis and no request for re-transfer to any other station will be entertained later on. An undertaking is to be taken to that effect from the officers recommended (In duplicate)."

By the said Annexure 3 letter the Deputy Controller of Accounts was requested to recommend the names of suitable and willing Junior Accounts Officers with eight years service in the grade. The applicant fulfilled the conditions for appointment and accordingly he was recommended for the appointment. The applicant also, pursuant to the Annexure 3 letter dated 10.10.1980, submitted Annexure 4 letter dated 12.10.1980 stating inter alia that he was willing to be considered for the post of Accounts Officer in any of the Pay and Accounts Offices at Shillong on permanent basis. Thereafter the applicant was appointed Accounts Officer in March 1981 on ad hoc basis. He did not dispute the appointment with the hope that he would be regularised later on. This way he continued his service for a period of seven years. However, he was not regularised in the post of Accounts Officer. He attained his superannuation on 31.3.1988. Thereafter Annexure 5 Office Memorandum dated 22.9.1992 was issued. This was for a particular period and it was extended by Annexure 6 Office Memorandum dated 21.6.1993 giving the benefit to retired persons also. However, this benefit was not given to the applicant on the ground that the benefit was available only to those employees who had three years of regular service in the grade of Accounts Officer. The applicant was appointed on ad hoc basis and therefore, he was not given the benefit. Being aggrieved, the applicant submitted a representation on 2.8.1993. His representation was disposed of by Annexure 9 letter.....

letter dated 23.1.1995 rejecting his prayer. Hence the present application.

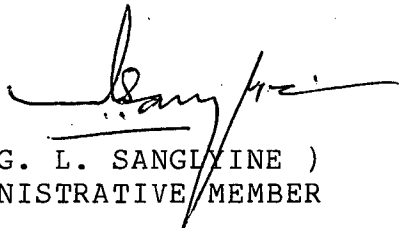
2. No written statement has been filed. We have heard Mr M. Chanda, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Chanda submits that the applicant was working on ad hoc basis for more than seven years and in spite of that, most unreasonably, he was denied regular appointment even though he applied for the job on the understanding that regular appointment would be given to him. Though initially regular appointment was not given to him he continued on ad hoc basis with the hope that he would be regularised in due course, but the authority most unreasonably denied the benefit of regular appointment. According to Mr Chanda the applicant ought to have been given regular appointment in the post of Accounts Officer. Mr Deb Roy, on the other hand, submits that the applicant is not entitled to claim the benefit of Annexure 5 Scheme which was extended by Annexure 6 Office Memorandum on the ground that he did not have three years of regular service as Accounts Officer to his credit. Mr Deb Roy further submits that if the applicant was aggrieved he ought to have agitated earlier and this having not been done he has no remedy.

3. On hearing the learned counsel for the parties it is now to be seen whether the applicant is entitled to get the benefit of the Annexure 5 Scheme. The written statement has not been filed and the records have also not been produced. It is difficult for this Tribunal to come to any decision in this matter. It is true that the applicant applied for the job on the basis of the Annexure 3 letter dated 10.10.1980 and as per the said letter the appointment ought to have been permanent. However, the applicant was not regularised in his service. We do not know why the applicant was kept in

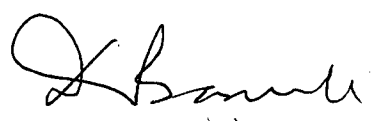
service.....

service till his age of superannuation on ad hoc basis. As the materials are not before us it is not possible for us to come to a definite conclusion. We, therefore, dispose of this application with direction to the respondent No.2 to consider the representation of the applicant after taking into consideration of the entire matter and pass a reasoned order. The applicant may also submit a fresh representation within a period of one month from today and if such representation is filed within the period prescribed the respondents shall consider that representation also and thereafter dispose of the representation within two months from the date of receipt of the representation.

4. The application is accordingly disposed of. No order as to costs.



(G. L. SANGLINE)
ADMINISTRATIVE MEMBER



(D. N. BARUAH)
VICE-CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 217/96

Ramendra Narayan Choudhury

- Versus -

Union of India & Others.

LIST OF DATES

<u>Sl.No.</u>	<u>Date</u>	<u>Particulars</u>	<u>Paragraphs</u>	<u>Page</u>
1.	10.10.80	The Chief Controller of Accounts, Principal Accounts Officer invited applications from Jr. Accounts Officers for filling up the vacancies of Accounts Officers at Shillong, Dhanbad and Bombay on permanent basis.	4(1)	3

ANNEXURE -3.

2.	Applicant submitted application expressing his willingness for consideration for the post of Accounts Officer in any pay and Accounts Office at Shillong, if he is appointed on permanent basis.	4(ii)	4
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ANNEXURE -4

<u>Sl.No.</u>	<u>Date</u>	<u>Particulars</u>	<u>Paragraphs</u>	<u>Page</u>
3.	18.2.81	The applicant was appointed by the Controller of Accounts, Principal Accounts Officer, Ministry of Steel and Mines as Accounts Officer in the Pay and Accounts Office, Geological Survey of India (NER) at Shillong on adhoc basis.	4(iii)	4
<u>ANNEXURE -1</u>				
4.		Applicants' appointment on adhoc basis was against the policy of appointment as there was a violation of the assurances contained in offer of appointment which was for appointment on permanent basis.	4(iv)	4
5.	3.3.81	Applicant was released by the Deputy Controller of Accounts, Regional Pay & Accounts Office (IB), Shillong to take over the post of Accounts Officer in G.S.I. But the applicant was not supplied with any copy of the appointment letter.	4(v)	5
6.	April, 1981	Applicant came to know about all the conditions imposed in the order of appointment.	4(vi)	5

<u>Sl.No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Paragraphs</u>	<u>Page</u>
7.		Although the applicant was promoted on adhoc basis he was treated in all respect and manner as a regular employee. It would appear that the 80% post of Jr. A.O.'s were upgraded as Asstt. Accounts Officer (Gr.B) w.e.f. 1.4.87 but the applicant was not included in that list in view of the matter that he was already made an Accounts Officer.	4(ix)	6
8.		Applicant did not make any representation at that time in view of the fact that he was deemed to have been held as regular Accounts Officer.	4(x)	7
9.	22.9.92	Govt. of India, Ministry of Finance, Deptt. of Expenditure provided for promotional grade scale of Rs.2000 - 4000/- comprising 80% of the sanctioned strength of respective Audit & Accounts Officer. Order was made effective from 1.4.92.	4(xi)	7
<u>ANNEXURE -5</u>				
10.	31.3.88	The applicant retired from the services as Accounts Officer	4(xii)	7

<u>Sl.No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Paragraphs</u>	<u>Page</u>
		in the Pay & Accounts Office G.S.I (NER), Shillong rendering more than seven years service.		
11.	21.6.93	Govt. of India clarified the OM. Dated 22.9.92 allowing notional fixation of pay in respect of Audit and Accounts Officer who had retired between 1/4/87 and 31.3.92 vide O.M dated 21-6-93.	4(xiii)	8
<u>ANNEXURE -6</u>				
12.		Applicant was entitled to have his pension recalculated and refixed on the basis of the notional fixation in the higher scale of Rs. 2200/- 4000/- but no refixation of his pension has so far been done but the same remained as before as made out in the scale of 2375/- - 3500/-.	4(xiv)	8
13.		Applicant was not given the refixation of the pension amount in terms of the O.M. dated 21.6.93 and the applicant having retired from	4(xvi)	9

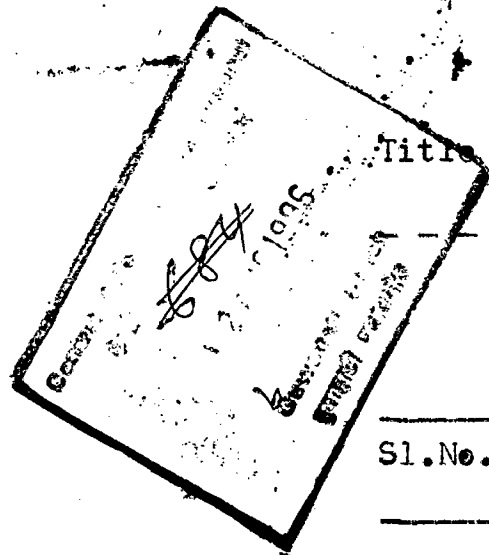
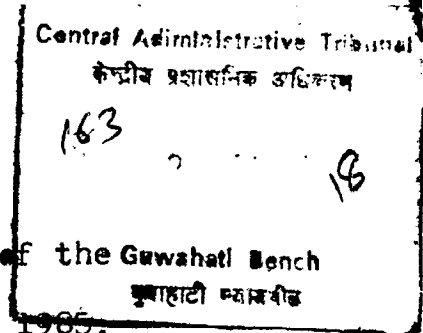
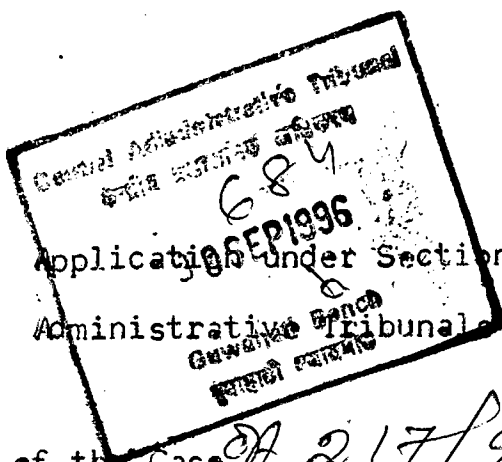
<u>Sl.No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Paragraphs</u>	<u>Page</u>
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service was not aware of the same till July '93. But immediately on knowledge of the same filed representation to the authorities concerned on several occasions.

(ANNEXURE - 7 & 8.)

Submission :-

In the facts and circumstances it is submitted that the applicant is entitled to have his adhoc appointment declared as a regular appointment and the consequent refixation of his pension in the scale of Rs.2200 - 4000/- after giving him the notional pay fixation benefit w.e.f. 1.4.87.



Title of the Case 217/96

Index

Sl.No.	Description of the documents relied upon	Annexure No.	Page No.
--------	--	--------------	----------

- | | | | |
|-----|--|---|--------------------|
| 1. | Application | | (12 pages) 1 to 12 |
| 2. | CD No. PAO/6(76/79)/457-60 dated 18-2-81 | 1 | 13 |
| 3. | Pension payment Order No. S&M/CAO(Cal)-88/889-First page | 2 | 14-15 |
| 4. | Letter No.10/64/Deputation/PR-AO/80/3809 dt.10-10-1980 | 3 | 16 |
| 5. | Acceptance of the offer by the applicant dt.12-10-1980 | 4 | 17 |
| 6. | OM No.F.6(82)-1C/91 dt.22-9-92 | 5 | 18 |
| 7. | OM No.6(82)-IC/91 dt.21-6-1993 | 6 | 19 |
| 8. | Cy of representation dt. 31.8.94 | 7 | 20-31 |
| 9. | Cy of representation dt. 10.9.94 | 8 | 32-36 |
| 10. | Cy of letter No 13/2/95-ESTI (Pay-I) dt 25.1.95 | | 37 |

CR. N. CHAUDHURI
Signature of the Applicant

For use in Tribunal's Office

Date of filing

or

Date of receipt by post

Registration No.

3/2/95
Signature

For Registrar

Attested
3/2/95

*copy in hand
to Mr. S. Ali
Sr. C.A. Secy.
Adv.
12.8.96*

co. (put)
2/2/95

*Filed by the applicant
Mr. N. Chaudhary
12.8.96 Adv.*

In the Central Administrative Tribunal
Guwahati Bench.

Shri Ramendra Narayan Chaudhuri
Retd. Pay & Accounts Officer,
Pay & Accounts Office,
Geological Survey of India (NER) .Applicant
'Prativalaya' Goraline, Laitumkhrah
Shillong-793 003

Vs

1. Union of India represented by the
Secretary to the Govt. of India
Ministry of Finance, New Delhi.
2. The Controller General of Accounts Respondents
Ministry of Finance
Department of Expenditure
C. Wing, Lok Nayak Bhavan
Khan Market, New Delhi-110 003
3. The Chief Controller of Accounts
Principal Accounts Officer
Ministry of Home Affairs,
New Delhi
4. The Deputy Controller of Accounts
Regional Pay & Accounts Office, MHA
Shillong.

Contd.....

Shankar
Mur

Details of Application

1. Particulars of the Orders (i) PAO/6/76/79/45760
against which the applica- dt. 18/2/1981 -- Annexure-I
tion is made
(ii) Pension Payment
Order -- Annexure- 2

2. Jurisdiction of the Tribunal: The applicant declares
that the subject matter of the
order against which he wants ~~redressal~~
redressal is within the jurisdic-
tion of the Tribunal.

3. Limitation :- The applicant further declares that
the application is within the
limitation period prescribed in
Section 21 of the Administrative
Tribunals Act, 1985.

4. Facts of the Case :-

- (i) The Chief Controller of Accounts, Principal Accounts
Officer, Ministry of Home Affairs in its letter No.
10/64/Deputation/Pr.AO/80/3809 dt. 10-10-80 invited
petitions from the Jr. Accounts Officers (as the
applicant was then) indicating their willingness
for consideration for filling up the vacancies of
Accounts Officers at Shillong, Dhanbad and Bombay
on a permanent basis (A copy of the circular above
mentioned is enclosed as Annexure-3).

Contd....

Handwritten signature

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- (ii) That in response to that, the applicant expressed his willingness for consideration for the post of Accounts Officers in any pay and Accounts Office at Shillong if he was appointed on a permanent basis. (copy enclosed as Annexure-4).
- (iii) That following that the Controller of Accounts, Principal Accounts Office, Ministry of Steel and Mines, Deptt. of Mines, New Delhi vide DO No. PAS/6/(76/79) dtd. 18-2-1981 appointed you applicant as Accounts Officer in the job of pay of Rs.840-40-1000-EB-40-1200/= in the Pay & Accounts Office, GSI (NER) at Shillong under the Deptt. of Mines, Ministry of Steel & Mines Govt. of India on an adhoc basis.
(A copy of the DO No. PAS/6(76/79)45760 dt. 18-2-1981 is enclosed as Annexure-I)
- (iv) That as stated in sub-part(i) ibid, my option was obtained for consideration against vacancies on a permanent basis and the post of Accounts Officer in the Pay and Accounts Office, GSI(NER) was a regular post and therefore offering an adhoc appointment vide Annexure 2 was against the policy and principles of appointment and continuance thereof was a violation of the assurances contained in offer of appointment vide Annexure 3 and acceptance conveyed by the applicant vide Annexure 4.

Contd.....

Attached
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- (v) That a copy of the appointment order vide Annexure I was not endorsed to the applicant and before even he had seen a copy of the said order of appointment he was released by the Dy. Controller of Accounts, Regional Pay and Accounts Office (IB), Laitumkhrah, Shillong in the afternoon of 3rd March, 1981 for the applicant to take over the post of Accounts Officer in the Pay & Accounts Office, Geological Survey of India Shillong and the applicant, when released had no knowledge that the appointment against which he had been released was on an adhoc basis.
- (vi) That it was only by around the last part of April, 1981 that the Applicant knew all conditionalities imposed in the order of appointment. It was then too late to raise much hue and cry in the matter as sufficient time has elapsed and also because three conditionalities were not there so far as his own appointment as AO was concerned and he was hopeful that the position would be set right in due course.
- (vii) Three conditionalities which prompted appointment on an adhoc basis were as follows:-
- (1) Lest there be claims of seniors, who might have to be accommodated.
 - (2) Lest there be claims from eligible Scheduled Caste/Scheduled Tribe claimants who might have precedence over him.
 - (3) Lest the ~~fixxx~~ final determination of seniority changes the position interse of the applicant.

Contd....

Attested

(viii) That none of these three conditions mentioned in the preceeding sub-para was applicable in my case and though it might have necessitated at the initial stage as a matter of abundant caution, the same not being applicable could have been determined soon and fresh order of appointment on regular basis issued by the competent authority within a reasonable period of time of about a year or two but no such orders were issued.

(ix) That notwithstanding the applicant was being treated in all respect and manner as a regular employee and not an adhoc incumbent in the post as could be seen from two instances cited below:

(a) At the time of promotion/appointment, the applicant was as stated herein before was a Jr. A.O. in substantive capacity in the scale of pay Rs.550-25-750-EB-30-900/=. In this grade while his juniors were given promotion as S.G. Jr.A.O. in the scale of Rs.775-35-880-40-1000/=: the applicant was not brought in the S.G. Jr.AO in consideration of the fact that he had already been appointed/promoted in the higher grade.

(b) That 80% post of Jr.A.O.s were upgraded as Asstt. Accounts Officers (Gazetted Group B) in the scale of Rs.2000-60-2300-EB-75-3200 w.e.f. 1-4-87 but the applicant was not included in the list of such AAOs in view of the fact that the applicant was already made an A.O.

Contd.....

Handwritten signature

- (x) That therefore the applicant did not make any representation at that time in view of the facts stated in the preceding para as it was found that he was deemed to have been held as regular Accounts Officer.
- (xi) That the Govt. of India, Ministry of Finance, Deptt. of Expenditure in Om.No.F.6(82)-IC/91 dt.22-9-92 provided for a promotional grade scale of Rs~~2200~~-75-2800-EB-100-4000/= comprising 80% of the sanctioned strength of respective Audit & Accounts Officers, the order was made effective from 1-4-82 however the benefit of fixation of pay on notional basis in the promotional scale of Rs~~2200~~-4000/1 may be allowed w.e.f. 1-4-1987 or from the first of the month following the month in which the Officer completed 3 years regular service in the scale of Rs.2375-75-3200-EB-100-3500/= (A copy of the G.I.'s OM mentioned ibid is enclosed as Annexure 6).
- (xii) That the applicant retired from the service as Accounts Officer in the Pay & Accounts Office G.S.I (NER) Shillong on the afternoon of 31st March, 1988 after rendering more than seven years service as Accounts Officer in the afore mentioned Pay & Accounts Office and though he was in the reckoning for the notional fixation as however he had already retired, the order Annexure was of no effect as such.

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(xiii) That however by another O.M.No.6(82)-IC/91

dt. 21-6-93, the Govt. of India clarified the O.M. dt. 22-9-92 Annexure 6 and allowed notional fixation of pay in respect of Audit and Accounts Officer who had retired between 1-4-1987 and 31-3-92 subject to the conditions enumerated in the Ministry's O.M. dt.22-9-92 - Ann - (copy of the O.M. dt.21-6-93 enclosed as Annexure - 6).

(xiv) That the applicant was entitled to have his pension recalculated and refixed on the basis of the notional fixation in the higher scale of Rs.2200-4000/= but no refixation of his pension has so far been done. and the same remained as before as made out in the scale of Rs.2375 - 3500/=:, which also indicate in clear term that the applicant was construed as a substantive appointee in the scale of Rs.2375 -3500/=:.

(xv) That the exact reason as to why the applicant was not given the refixation of the pension amount in terms of the latest OM dt.21-6-1993 - Annexure - 6 is not known to the applicant, though he had a feeling that it might be due to technical ground of the applicant's being termed as an ad-hoc incumbent though in fact and in law he was being treated as a regular even a substantive appointee in the Grade of Accounts Officer.

Contd.....

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(xvi) That the applicant having already retired from the service was not aware of the said O.M. dt. 21-6-93 till end of July, 93 and immediately on knowledge of the O.M. ibid made a representation to the Controller General of Accounts, Ministry of Finance, Deptt. of Expenditure, New Delhi on 2-8-93. This was followed by another representation dt. 15-10-93 and yet another on 31-8-1994 and lastly to Hon'ble Smti Margaret Alva, Minister of Personnel, Public Grievances & Pensions,

Deptt. of Pension and Pension Welfare, New Delhi

by the Govt of India
vide letter No 13/2/95-EST (Pg-1)
dt 25.1.95 (copy enclosed as
Annexure 9)

on 5-10-1994 but without any response so far. (copy of representation dt 31.8.94 and 5.10.94 are enclosed as Ann. 7 and 8 respectively) P.S. The representation dt 5.10.94 has been rejected.

5. Grounds for relief with Legal Provisions

- (1) Breach of offer made and acceptance thereof.
Appointment on ad-hoc basis in the face of the offer of posting on a permanent basis and acceptance thereof that posting be on permanent basis violates the sanctity of offer and acceptance.
- (2) Retention of an employee on ad-hoc basis for a period as long as seven years inspite of availability of a regular post and appointment and working against that regular is highly arbitrary and violates the principle of rule of law enunciated under Act 14 of the Constitution.
- (3) Reasons for which ad-hoc appointment was given were not there initially nor at anytime during the long seven years of holding the post by the applicant and his service should have been regularised.

Contd.....

27

- (4) Such prolonged ad-hoc employment against a regular vacancy was against the policy and principles laid down.
- (5) Such prolonged ad-hoc employment against a regular vacancy with requisite qualification was against the various rulings of the Apex Court as also the C.A.T. in this behalf.
- (6) For, reasons already cited his services were already deemed to have been regularised.

6. Details of the remedies exhausted.

- (1) Representation made to the Controller General of Accounts, Ministry of Finance, Deptt. of Expenditure, New Delhi, who happens to be the Cadre Controlling Authority of the Departmentalised Accounts set up of the Ministries of the Govt. of India.
- (2) To the Hon'ble Minister of Personnel, Public Grievances & Pensions - Deptt. of Pension and Pension Welfare, New Delhi.

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 regarding the matter in respect of which this application has been made, before any court or any other authority or any other branch of the Tribunal nor any such application, writ petition or suit is pending before any of them.

Contd.....

Attested
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8. Relief(s) sought :

In view of the facts mentioned in para -6 above the applicant prays for the following relief(s):

- (1) Declaration of the applicant's ad-hoc appointment as a regular appointment after the expiry of a reasonable period or not exceeding two years from the date of his taking over the post of AO in the P&A.O, GSI(NER) Shillong on 4-3-1981, if that had stood in the way of refixation of his pension in the upgraded scale of Rs 2200-75-2800-EB-100-4000/=.
 - (2) Refixation ~~as~~ of his pension in the scale of Rs 2200-75-2500-EB-100-4000/= after giving him the notional pay fixation benefit w.e.f. 1-4-87.
9. Interim Order, if any, prayed for :- none.
10. In the event of application being sent by Registered post:- the applicant desires to have oral hearing at the admission stage. A self addressed inland letter for facilitating intimation is enclosed.

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee.

Wm Ashu
INDIAN POSTAL ORDER NO ~~P-06-522619~~ ³¹⁻⁹⁶ ~~for Rs. 50/-~~
by ~~Raitankhrak P.O.~~ ^{Shillong} Enclosed ~~in~~ ³¹¹²⁹⁰⁻
~~dt. 9-1-96.~~ 346891 dt. 10-9-96.

Contd.....

Shillong
Wm

12. List of enclosures:

1. Application 12 (twelve) pages
2. OM No.PAO/6(76/79)/457-60 dt. 13-2-81
3. Pension Payment Order No.S&M/CAO(CAL)/88/889 Firstpage
4. Letter No.10/64/Deputation/PR.AO/80/3809 dt.10-10-1980
5. Acceptance of the offer by the applicant dt.12-10-1980
6. OM No.F.6(82).IC/91 dt. 22-9-92.
7. OM No.6(82)IC/91 dt. 21-6-1993.
8. Representation dt 31.8.94
9. Representation dt 5.10.94
10. Ltr No 13/2/95 Verification
ESTT-(P21) dt
28.1.95

I Shri Ramendra Narayan Chaudhuri, son of Late Upendra Narayan Chaudhuri, aged 64 years working as retired Accounts Officer in the P & AO, GSI (NER), Shillong, do hereby verify that the contents of paras 1,4,6 and 7 are true to my personal knowledge and para 2,3,5 and 8 are believed to be true on legal advice and that I have not impressed any material facts.

Date: 30-1-1995

Place: Shillong

Ramendra Chaudhuri
(R. N. CHAUDHURI)
Applicant

To

The Registrar
Central Administrative Tribunal
Guwahati Bench, Bhangagarh,
Guwahati. 5

Attested
mm

GOVERNMENT OF INDIA
MINISTRY OF STEEL AND MINES
(DEPARTMENT OF MINES)
PRINCIPAL ACCOUNTS OFFICE
LAKH NAYAK BHAVAN, II FLOOR,

No. PAO/ 6(76/79) 457-60 New Delhi, the 18th Feb. 1981

OFFICE ORDER

Shri R.N. Chaudhury, presently working as Jr. Accounts Officer in Ministry of Home Affairs, Shillong is hereby appointed by the Joint Secretary and Financial Advisor, Department of Mines, as Accounts Officer in the Pay & Accounts Office, Geological Survey of India, Shillong and to draw pay in the relevant grade of Rs. 840-40-1900 EO-40-1200 from the date of taking over as Pay & Accounts Officer, Geological Survey of India, Shillong, copies of posting report may be sent to the Controller of Accounts, Geological Survey of India, 16-A Brahmarshi Road, Calcutta and to this office.

The appointment of Shri R.N. Chaudhury, as Accounts Officer is on a purely ad-hoc basis and without prejudice to the claims of his seniors including claims for reservation of posts of SCs/STs pending determination of inter se seniority of JAOs. The ad-hoc service rendered will not bestow on him any claim for regular appointment to the grade of AO nor the ad-hoc service rendered will count for purposes of confirmation, seniority etc.

(V. Vasudevan),
Controller of Accounts,
Tel: 37346.

To:

1. The Controller General of Accounts, Lok Nayak Bhavan, Khon Market, New Delhi w.r.t his order No. A.32/14/1/77/MP.CGA(A)/Shillong/Vol. II dt. 6.1.81 (copy received on 18.2.81).
2. The Chief Controller of Accounts, Ministry of Home Affairs, New Delhi for necessary action. Shri R.N. Chaudhury may please be relieved from his post immediately and be directed to report as Accounts Officer, in Pay & Accounts Office, GSI, North Eastern Region, Shillong.
3. Controller of Accounts, Chief Accounts Office, GSI, 16-A Brahmarshi Road, Calcutta-70001.
4. Pay & Accounts Office, Geological Survey of India, Shillong.

V. Vasudevan
(CONTROLLER OF ACCOUNTS)

Attached
Pay & Accounts Officer
G.S.I., NER
Shillong

ANNEXURE - 2/
 Commuted value of Pension has been authorized separately for payment through drawing and disbursing officer

PENSION PAYMENT ORDER
PENSIONER'S PORTION

Debitable to Central Government
 Head of Account 8871-Pension and other Retirement
 Major Head Benefits etc.
 Voted/Charged Superannuation Pension/ Minor Head
Family Pension/Invalid Pension/Retiring Pension
 Name of Pensioner, service to which belonged and post last held Shri
Ramendra Narayan Chondhuri, Central Engr. Accounts Officer
 Name of his wife/her husband Smt. Priya Chondhuri

Date of Retirement 31-3-88
 Date of Commutation ab initio
 Reckonable service 34 yrs
 (years 34 months 10)
 Pay at Retirement:
 Rs. 3050-00
 Commuted portion of Pension:
 Rs. 497-00



Class of pension and the date of commencement	Date or Approximate date of birth	Religion and Nationality	Residential Address
1	2	3	4
Superannuation Pension wef 1-4-88	1-4-1930	Hinduism Indian	C/O, Shri Ashish Ranti Sam, Govt. Housing Estate, Block-2, Plot-6, P.O. Sodapur, 24-Pingane W. B.
2. Family Pension ↓ @Rs. 1200=00 (Rupees one thousand two hundred only) from wpt 31-3-95 and thereafter @Rs. 600=00 (Rs. Six hundred only) from the date of her remarriage or death whichever is earlier plus usual relief.			

£ Indicate class of Pension here. usual relief.

Alfred
 Pay & Accounts Officer
 G.S.I., 173
 Shillong

Amount of monthly pension	Relief in pension		Total monthly amount payable
	Date	Amount	
5	6	7	8
Supr Pen. @Rs. 995.00 (Rs. nine hundred ninety five only) from wpt 1-4-88 (Actual Pen. @Rs. 1492.00 less amt. Commuted ab initio Rs. 497) plus usual relief.	wpt 1-4-88	Rs. 194.00	Rs. 1189.00 (Rs. one thousand one hundred eighty nine only) from [subject to revision with revision of relief].

Date of death of the pensioner _____
 Date of remarriage or death of the widow/widower _____
 (To be filled in and attested by the Treasury/designated officer of the paying branch/Pay and Accounts Officer).

No. 52 M/CAO (CAL) 88/889

Dated, the _____

Sir,

UNTIL FURTHER NOTICE, and on the expiration of every month be pleased to pay to Shri Ramendra Narayan Chondhuri the sum of Rupees As stated in pre-page (less Income Tax), being the amount of Superannuation pension plus Relief thereon as ex-Action Officer upon the production of the pensioner's portion of this order taking from the claimant a receipt of the amount according to usual form. The payment should commence from 6-5-88 (pension for April '88)

2. Arrears of pension/family pension and relief thereon @ Rs x (Rs. x P. M.) from x to _____ may also be paid to Shri/Shrimati _____

3. Due to the death of Shri/Smt. x on _____ /
In the event of the death of Shri/Smt. Ramendra Narayan Chondhuri
Family Pension may be paid at the rates indicated below to Shri/Smt. Nibha Chondhuri till the date of her/his remarriage or death, whichever is earlier (on the receipt of death certificate and form of application from widow/widower).

1. Rs. 1200-00 (Rupees one thousand two hundred only) P.M. (Rs. 31-3-95)
2. Rs. 600-00 (Rupees six hundred only) P.M. (Rs. 1-4-95)

*(for a period of seven years or upto the date on which the deceased would have attained the age of 65 years, had he survived, whichever period is less).

To

The ~~Treasury Officer~~ Pay and Accounts Officer

at PAO, GSI Shilong

Accounts Officer,

CA, CAO, Deptt. of Mines, GSI

Calcutta-1
Designation

Note (1) No pension shall be liable to seizure, attachment or sequestration by process of any court in India at the instance of creditor for any demand against the pensioner (Sec. II, Act XXIII of 1871).

Note (2) Payment under this order is to be made only to the pensioner in person with the following exceptions :-

15
Office of the Comptroller and
Department of Mines,
Central Accounts Office, G.S.I.
16A, Brabourne Road,
Calcutta-1

4

(a) To persons specially exempted by Government.

(b) To females unaccustomed to appear in public and to persons unable to appear on account of illness or bodily infirmity.

(Payment in both cases (a) and (b) is made on production of a Life Certificate signed by a responsible Officer of Govt. or other well known and trustworthy person).

(c) To any person sending a Life Certificate signed by some persons exercising of powers of a Magistrate under the Criminal procedure code, or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908, or by any pensioned officer who, before retirement, exercised the powers of a Magistrate or by any gazetted officer, or by a Munsiff or by a Police Officer not below the rank of Sub-Inspector in charge of a Police Station or by a Post Master, a Departmental Sub-Post Master or an Inspector of Post Offices or by Officers of the Reserve Bank of India and Public Sector Banks or by the Head of a Village Panchayat, Gaon Panchayat or Gram Panchayat or by the Head of an Executive Committee of a Village or by a bank included in the second schedule to the Reserve Bank of India Act, 1934 in respect of a pensioner drawing pension through that Bank.

(d) In all cases referred to in clauses (a), (b) and (c) the disbursing officer must at least once a year require proof independent of that furnished by the Life Certificate of the continued existence of the pensioner. The pension shall not be paid on account of period more than a year after the date of Life Certificate last received, and the disbursing officer must be on the watch for authentic information of the decease of such pensioner and on receipt thereof, shall promptly stop further payments

Note (3) On the decease of the pensioner, this order should be immediately returned by his family to the District Officer with a report of the date of his/her decease if the contributory family pension is not admissible to the widow/widower

In the event of the death of a pensioner governed by C.C.S. (Pension Rules within a period of five years from the date of retirement, the following benefits are admissible under certain circumstances :-

- (a) Grant of family pension to the nominee, or in absence of nominee, to the person mentioned in Rule 55, and
- (b) Payment of a residuary gratuity under Rule 50(2) ibid to the nominee, or in cases where there is no nomination or where the nominations made do not subsist, to the legal heir of the deceased.

Formal claims for these benefits duly supported by legal authority, where necessary, should be submitted to the Head of Office/Department.

No. 10/64/Deputation/Pr.AO/80/3809
 PRINCIPAL ACCOUNTS OFFICE
 MINISTRY OF HOME AFFAIRS
 NORTH BLOCK
 NEW DELHI-110 001

Dated the 10th October, 1980.

To

The Dy. Controller of Accounts
 Regional Pay & Accounts Office (IB), MHA
 Near Laitumkhrach Market,
SHILLONG-793003.

Subject : Filling up of the vacancies of Accounts Officer at
 Shillong, Dhanbad and Bombay.

.....

Sir,

I am to state that it has been intimated by the
 Controller General of Accounts that a few vacancies of Accounts
 Officers are to be filled up immediately at Shillong, Dhanbad
 and Bombay on permanent basis and no request for re-transfer to
 any other station will be entertained later on. An undertaking
 is to be taken to that effect from the officers recommended
 (In duplicate).

You are requested to recommend the names of ~~xxxxxx~~
 suitable and willing Junior Accounts Officers with 8 years
 service in the grade. Your recommendation should reach this
 office by 16th October, 1980 at the latest along with the
 undertakings. It may please be confirmed that no disciplinary
 proceedings have been ~~xxxxxxxxxx~~ initiated or are likely to be
 initiated against them and that their conduct is not under
 investigation.

This may please be treated as urgent.

Yours faithfully,

Sd/

Accounts Officer.

Original not being
 available with the petitioner
 in case of challenge the same
 is being obtained from Regional Pay &
 Account Office I.B. MHA Shillong
 ~ from Chief Controller of Accounts, Principal
 Accounts Office M.H.A. New Delhi.

(Signature)
 C.R.N. CHAUDHURI
 5.3.95

(Through Proper Channel)

ANNEXURE - 4

To

The Chief Controller of Accounts,
Principal Accounts Office,
Ministry of Home Affairs,
Government of India, North Block,
New Delhi - 110 001.


Subject:- Filling up of the vacancies of Accounts Officer at Shillong, etc.

Madam,

In response to letter No. 10/64/Deputation/Pr.AO/80/3809 dated 10.10.1980 on the subject mentioned above, I beg to state that I am willing to be considered for the post of Accounts Officer in any of the Pay & Accounts Offices at Shillong on permanent basis.

In this connection I beg to state that I will not seek re-transfer to any other station later on.

Yours faithfully,


(RAMENDRA NARAYAN CHAUDHURI)
Junior Accounts Officer

Dated: Shillong the 22 Oct., 1980.

AUS/21
B. Sreen
Advocate
Shillong.

No.F.6(82)-IC/91
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 22nd Sept., 1992.

OFFICE MEMORANDUM

Subject: Creation of a promotional grade of Rs.2200-75-2800-EB-100-4000 for the Audit & Accounts Officers of the Organised Accounts Cadres.

Consequent upon re-structuring of the Indian Audit and Accounts Department, 80% of the posts of Auditors and Section Officers(Audit) were placed in the higher scale of Rs.425-800 and Rs.650-1040 respectively w.e.f. 1.3.84. On the recommendation of the Fourth Central Pay Commission that there should be broad parity in the pay structure of Accounts and Audit staff, the re-structuring Scheme was extended to the Accounts staff w.e.f. 1.4.87. However, the cadres of Audit/Accounts Officers were not restructured.

2. The matter regarding grant of an appropriate scale of pay to the Audit/Accounts Officers has, therefore, been under consideration of the Govt. for some time past. Keeping in view the duties and responsibilities and the functional needs, it has now been decided to provide a promotional grade in the scale of Rs.2200-75-2800-EB-100-4000 for Audit/Accounts Officers in IA&AD and other Organised Accounts Cadres, except Railway Accounts Cadre. The number of posts in the promotional scale of Rs.2200-75-2800-EB-100-4000 will be 80% of the sanctioned strength of the respective cadres of Audit/Accounts Officers.

3. The Audit/Accounts Officers in the scale of Rs.2375-75-3200-EB-100-3500 with a minimum of three years' regular service will be eligible for promotion to the scale of Rs.2200-75-2800-EB-100-4000. The promotions will be made after following the due process of promotion by adopting the principle of seniority-cum-fitness. As the posts in the scale of Rs.2200-75-2800-EB-100-4000 are in the functional promotional grade, benefit of F.R.22-I(a)(1) (old FR.22-C) will be admissible on appointment to this scale.

4. The classification of the posts of Audit and Accounts Officers will, however, remain the same i.e. Group 'B' even after the promotion to the scale of Rs.2200-75-2800-EB-100-4000.

...2/-

Attended.
Shri
Pay & Accounts Officer
G.S.I., N. 3
Shri

5. These orders shall be effective from 1.4.1992. However, the benefit of fixation of pay on notional basis in the promotional scale of Rs. 2200-75-2800-EB-100-4000 may be allowed w.e.f. 1.4.1987 or from the first of the month following the month in which the officer completed 3 years regular service as Audit/Accounts Officer in the scale of Rs. 2375-75-3200-EB-100-3500, whichever is later, subject to the availability of posts in the promotional grade. No arrears of pay will be admissible for the period prior to 1.4.1992.

6. These orders issue in consultation with the Comptroller and Auditor General of India in so far as these relate to Indian Audit & Accounts Department.

Hindi version is attached.

(D. SHARUP)
JOINT SECRETARY TO FILE GOVT. OF INDIA

To

1. The Comptroller & Auditor General of India
(with usual number of spare copies)
2. Financial Adviser (Defence Services)
3. Controller General of Defence Accounts
4. Controller General of Accounts, Ministry of Finance.
5. Member (Finance), Department of Telecommunications.
6. Member (Finance), Department of Posts.

Ho.6(82)-11/91
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 21st June, 1993.

OFFICE MEMORANDUM

Subject: Creation of a promotional grade of Rs.2200-75-2800-EB-100-4000 for the Audit & Accounts Officers of the Organised Accounts Cadres.

The undersigned is directed to refer to this Ministry's O.M. of even number dated 22.9.92 on the subject mentioned above and to say that the question of allowing notional fixation of pay in respect of those Audit/Accounts Officers who had retired between 1.4.87 and 31.3.92 for the purpose of recalculation of their pension has been under consideration of the Government for sometime.

2. It has now been decided to allow notional fixation of pay in respect of Audit/Accounts Officers who had retired between 1.4.87 and 31.3.92 subject to the conditions enumerated in this Ministry's O.M. dated 22.9.92. The pay so fixed on notional basis shall count for pension only in calculation of Rule 83 of Central Civil Services (Pension) Rules, 1972. No arrears of pay or pension on account such notional fixation of pay shall however, be payable. The enhanced pension will be payable only from 1.4.92 onwards.

3. These orders issue in consultation with the Comptroller and Auditor General of India in so far as these relate to Indian Audit and Accounts Department.

4. This issues in consultation with Department of Pension and Pensioners Welfare vide their U.O.No.38/71/89-P&PW(A) dated 19.5.93.

Hindi version is attached.

(Signature)
(A.K. Hui)
Director

To

1. The Comptroller & Auditor General of India (with usual number of copies)
2. Financial Adviser (Defence Services).
3. Controller General of Accounts, Ministry of Finance.
4. Controller General of Defence Accounts.
5. Member(Finance), Department of Telecommunications.
6. Member(Finance), Department of Posts.
7. Department of Pension & Pensioners Welfare.

(Signature)
Attached.

Pay & Accounts Officer
G.S.I. B&P
Shillong

REG AD

ANNEXURE-7

(20)

Shillong 31.8.94

37

To
Shri Ravi Kaltpalia
The Controller General of Accounts,
Ministry of Finance, Dept of Expenditure,
Lok Nayak Bhawan, Room No. 714 E-Wing
Khan Market ; New Delhi - 110003

Subject: Creation of a promotional grade
of Rs 2200-75-2800-EB-100-4000/- for the
audit and Accounts officers of the RAAD and
other Organised Accounts Cadres.

Respected Sir,

I have the honour to lay before you the
following ~~for~~ representation for favours of your
kind perusal and necessary orders.

That, Sir, I submitted two representati-
ons on 2-8-93 and 15-10-93 for allowing me the
notional fixation of pay in the promotional grade
as above for the purpose of my pensionary benefits
after regularisation of my service as pay and
Accounts officer on adhoc basis in PAO, GSI (NER)
Shillong, but as ill luck would have it till
date, I have not received any reply from
your end.

That, Sir, although I was appointed
as Accounts officer against a regular post
I was given appointment on adhoc basis and
continued as such up to the date of my retire-
ment without any break or interruption
from 4-3-1981 to 31.3.88.

That, Sir, I have been denied the
benefit of notional fixation of pay in the
promotional grade Scale of Accounts officer of
Rs. 2200-75-2800-EB-100-4000/- as I have

Amended
Copy
sent

not been made regular in the Accounts officer's grade.

That, Sir, while I was Jr. AO in the Regional Pay and Accounts office (13) M.H.A., Shillong a circular was issued by the Chief Controller of Accounts, principal Accounts officer, M.H.A.; New Delhi at the instance of the Controller General of Accounts under letter No. 10/64/Deputation/Prc. AO/80/3809 dt 10.10.1980 for filling the vacancies in the grade of Accounts officer at Shillong, Dhanbad and Bombay on PERMANENT BASIS.

That, Sir, since the offer was for filling up the vacant post of Accounts officer at Shillong on permanent basis I accepted the offer and submitted my candidature specifically stating that I am willing to be considered for the post of Accounts officer in any of the pay and Accounts offices at Shillong if I am appointed on permanent basis. Consequently on the approval of my candidature by the C.G.A., Controller of Accounts, principal Accounts officer, Deptt. of Mines, New Delhi appointed me as Accounts officer in pay and Accounts office, G.S.I., (NER) Shillong on adhoc basis instead of on permanent basis in deference to the terms of the circular.

nd Regular

That, Sir, the Administrative Reforms and Training in Order to discourage appointment on adhoc basis issued instructions and guidelines from time to time for the guidance of the various Ministries / and Departments (G.I. DPAR. OM NO. 28036/2/77 (ESH)(X) dt. 7-10-77)

Approved
while
for

- Contd -

In order to discourage appointment/promotion on adhoc basis, the Department of personnel and Admn. Reforms set some criteria for giving adhoc appointments/promotions

CRITERIA FOR APPOINTMENT/PROMOTION ON ADHOC BASIS

That, Sir, according to guide lines the Ministries / Departments of the Govt of India may resort to appointment/promotion on adhoc basis where a situation like this arises i.e. where an officer cannot function and the post needs to be filled up immediately as a measure of stop gap arrangement.

- (i) Recruitment Rules in respect of the grade in question has not been finalised.
- (ii) When amendment to the recruitment Rules are under consideration but not finalised.
- (iii) When there is an injunction by a court or Tribunal barring filling up of the posts on regular basis.
- (iv) When direct recruitment quota is not filled
- (v) When there is a short term vacancy due to regular incumbent being on leave or on deputation.
- (vi) When the seniority list in the feeder grade is disputed.

That, Sir, the appointment/promotion of junior Accounts officer to the next grade of promotion as Accounts officer in the Departmentalised Accounts set up do not come under above category as none of the points stated above do not stand in the way of giving regular appointment/

promotion. Since (i) the recruitment Rules of central Civil Accounts Service (pay and Accounts officers) Recruitment Rules were already finalised and came into force from April 1977 and there was no proposal or suggestion to amend the said Rules at the time of my appointment or afterwards.

(ii) No Court case or injunction was there which barred regular appointment.

(iii) There was/is no system or quota for direct recruitment in the grade of Accounts officer in the departmentalised Accounts set up and all promotions/Appointments in the level of JAO/AJO and Accounts Officers were/are being controlled by the Controller General of Accounts on the basis of Seniority cum merit as per all India Seniority List prepared and maintained by him and through the circulation of Vacancy on all India level.

That, Sir, in the instant case I was appointed as Accounts officer against a regular Vacancy. Since none of the criteria regarding appointing me as Accounts officer on adhoc basis were present, I was irregularly appointed as such by the Controller of Accounts, Deptt of Mines, New Delhi. According to instructions issued by the Deptt. of personnel and Training to a period for which appointment/promotion on adhoc basis may be made should in no case exceed one year.

Attended
@ 10/10/77
P/4

if in any case the appointment is extended beyond one year approval for the continuance of such appointment has to be obtained from the Department of personnel and Training but that was not done in my case and as such it is assumed that my adhoc appointment stood ceased automatically on the expiry of one year ~~from~~ i.e. w.e.f 4-3-82 my service as Accounts officer has become regular automatically.

JUDICIAL DECISIONS ON PROMOTIONS/APPOINTMENTS
ON ADHOC BASIS

That, Sir there have been many court cases by the aggrieved Govt employees against adhoc appointments in the recent past. In support of my claim for regularisation of my adhoc appointment w.e.f 4.3.1982 I furnish below excerpts of two judgements passed by the learned judges of the Supreme Court of India and Central Administrative Tribunal on adhoc appointments.

ADHOC PROMOTE ALLOWED TO OFFICIATE FOR LONG
ENTITLED TO REGULARISATION.

Learned judges of the Supreme Court in the case between Uma Shankar Prasad Vs Union of India & others 1992 (2) ATJ 298 (Calcutta) Date of judgement 2-6-1992 held that the question that now arises for consideration is whether "when a person after being promoted on adhoc basis measure is allowed to officiate for more than a decade is he entitled to claim regularisation."

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D.W.

Contd.

In this regard apart from the decision of the Supreme Court in Narinder Chadda's case

(ATR 1986 (1) SC 49 in a very recent decision in the Case of M.S.K. Nave Vs Union of India and others

[1991 (2) Scale 248] 1992 (1) ATJ 393 (1992)

21-ATC 695 it was held that when a person officials in a particular post/Scale for more than 10-15 years he holds the post regularly and it cannot be said that he merely held the charge of the post. The decision would apply to the facts of the present case because even assuming that the promotion was adhoc if some body was allowed to official for a long time he should be held to have regularly hold the post.

In the facts and circumstances of the case, applicant is entitled to relief he has claimed i.e. he is entitled to be regularised against the post of Vice Principal of System ~~Technology~~ Technical School, Kharagpur, in which post he had officialised for more than a decade. The Respondents are directed to issue orders of regularisation of the applicant in the said post with effect from the date of his promotion.

Attent of
Cm
Jr

ADMINISTRATIVE TRIBUNAL'S CASE
ADHOC PROMOTION TO BE TREATED AS REGULAR
AFTER TWO YEARS.

Central Administrative Tribunal, New Delhi
 OA No. 111 B of 1987 decided on May 27/29, 1991
 Sant prakash Vs Union of India and others.

The facts of the case is that while he was holding the post of Head Clerk Substantively he was promoted as office Superintendent on adhoc basis which post he held continuously from 22-8-78 to 3-11-85. In between he was promoted as Assistant on regular basis vide order dt 11-10-85. His pay as Assistant was fixed at Rs. 725/- where as he was drawing Rs. 750/- as office Superintendent. The applicant retired on 30.4.87. The contention of the applicant was that after rendering 8 years service as office Suptt. he should be deemed to have been regularised in the post of office Suptt.

" In their judgement the learned judges of the Central Administrative Tribunal, New Delhi held that " the purpose of making adhoc promotions is to tide over immediate needs of the administration by making short term stop gap arrangement. Any arrangement on adhoc basis for over for one or maximum two years loses its character of adhoc or stop gap arrangement. It will therefore be against the spirit of Natural Justice to treat the service of the applicant of over 8 years as adhoc. The applicant was in fact working against a regular post. It would be unfair to ignore his service by linking it with inglorious uncertainty or regularisation particularly when he has proved his capability to hold the post for more than

8 years. The denial of confirmation as office Supdt. and consequent promotion to the post of Section Officer is in fraction of the principles of Natural justice. (1)

The applicant should be deemed to have officiated on regular basis as office Supdt. 22

In view of the above judgements I beg to submit that I am entitled to be regularised in the post of "ACCOUNTS OFFICER" with effect from 4-3-1982. which post I held continuously w.e.f. 4-3-1981 to 31-3-1988. (ie the day I was Super-annuated)

PRAYER:

I therefore fervently request the respected Controller General of Accounts, kindly to look into my case in the light of the administrative instructions issued by the department of personnel /

Training & Administrative Reforms on adhoc appointments/promotions from time to time as well as the judgements of the Supreme Court and CAT, New Delhi on adhoc promotions/Appointments and very kindly

pass necessary orders for regularisation of my adhoc appointment w.e.f. 4.3.1982 ~~to meet~~ ie one year after the date of appointment and also extend to me the benefit of Notional Fixation of pay in the promotional grade of pay of Accounts officer of Rs. 2200 - 4000/- for the purpose of my pensionary benefits, My date of retirement being 31-3-88

AN.

Soliciting the favour of an early reply

Yours faithfully.

Ramendra Narayan Choudhury
(prativallaya) Goxaline,
LAITUMKHEAH PO, SHILLONG-3
PIN 793003

incb:
Representation dt 2.8.93 2
Representation dt 15.10.93

Dt. 16.8.1994.

Advocate

REGISTERED

A/D.

Dated 15-10-93

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To

The Controller General of Accounts
Ministry of Finance, Department of Expenditure,
Lok Nayak Bhawan, Room No 714, C-Wing.
New Delhi-110 003.

Laitumkhrah P.O
Regn. No. 4659 dt
15-10-93

Subject:- Creation of promotional grade of Rs 2200-75-2900-EB-100-4000/-
for the Audit and Accounts Officers of the IA & AD and other organised
Accounts Cadres.

Respected Sir,

I beg to invite a reference to my representation dated 2.8.93
(Copy enclosed for ready reference) on the subject cited above, requestingxx
your goodself kindly to favour me with the benefit of notional fixation of
pay in the scale of rs 2200-4000/- for the purpose of my pensionary benefits
after regularisation of the period of my adhoc service in the grade of Pay
and Accounts Officer. Uptil now I have not yet been favoured with any reply.

In this connection, I may mention that I happen to come across
the D.O. letter bearing No.A 32014/2/93/MP-CAG(A)/Gr-B/1081 dated 30-8-93
issued by Sri S.N. Kumar, Dy controller General of Accounts, New Delhi
to all the chief Controller of Accounts/ Controller of Accounts/Dy Controller
of Accounts of the various Ministries, allowing notional fixation of Pay
in r/o Accounts Officers who had retired between 1.4.87 and 31.3.92 in
the promotional grade of Rs 2200-4000/- . But to my ^{utter} ~~letter~~ dismay, I find
that my name has not been included therein. I

I may mention that I joined as Pay and Accounts Officer in
the office of PAO, GSI(NER), Shillong under the Ministry of Mines on
4.3.81 and retired w.e.f 31.3.88 (AN) on superannuation without any
interruption thus rendering a period of more than 7 years of service
to the total satisfaction of my superiors.

I am confident, sir, that although my name is not there in
the 1st list of ~~names~~ in the promotional grade of Office in the grade
of 2200-4000/-, my case has not been lost in oblivion as your goodself
is always sympathetic to the ^{members} ~~members~~ of the staff and officers of the
departmentalised Accounts ^{ing} system.

Atm...

I would , therefore, once again pray to your goodself kindly to look into the matter and issue orders allowing me the benefits of notional fixation of pay in the provisional grade of Rs 2200-4000/- to this poor pensioner at an early date and for this act of your extreme kindness if I shall ever remain grateful to you.

Yours Faithfully,

Ramendra Narayan Chaudhuri
(RAMENDRA NARAYAN CHAUDHURI) 15/10/93

Prativalaya, Goraline, Laitumkra, Shillong-793003

Attended
Oblm
Adv

REGD A-D

Shillong

Dated July 1993. 2.8.93

To

The Controller General of Accounts
Ministry of Finance,
Department of Expenditure,
Loknayak Bhawan, KHAN MARKET,
Room No. 714, C-Wing
New Delhi- 110003

Subject:- Creation of Promoted grade of Rs 2200-75-2800 EB 100-4000/-
for the Audit and Accounts Officers of IA&AD and other
organised Accounts Cadre.

Respected Sir,

I am to invite a reference to the Govt. of India, Ministry of Finance, Deptt of Expenditure OM.No. F6(82).10/91 dated 22-9-92. regarding creation of a Promotional Grade of Rs 2200-75-2800 EB100-4000 for the Audit & Accounts Officers of IA & AD and other organised Accounts Cadres as well as G.I. Ministry of Finance, Deptt. Of Expenditure OM.No. 6(82) 10/91 dt 21-6-93 on the subject mentioned above and to state that Govt. of India has now allowed notional fixation of pay in respect of Audit and Accounts Officers who have retired between 1.4.87 and 31-3-92 subject to conditions laid down in the OM. dated 22-9-92. As such pay so fixed on national basis will count for pension also.

Submission

That, sir, while I was a Junior Accounts Officer in Regional Pay and Accounts Office (I.B.) M.H.A. Shillong a circular for filling the vacancy of Shillong, Dhanbad and Bombay on permanent basis was issued by the Principal Accounts Office, Ministry of Home Affairs, New Delhi at the instance of Controller General of Accounts under letter No. 10/64/Deputation/Pr.AO/80/3809 dt 10-10-80 (Copy enclosed). Since The offer was for filling up the vacant post of Accounts Officer at Shillong on permanent basis I accepted the offer and submitted my candidature specifically stating that I am willing to be considered for the post of Accounts officer in any of the Pay & Accounts Offices at Shillong on permanent basis. (Copy of my letter of acceptance enclosed) Accordingly I was appointed as Accounts Officer in the Pay & Accounts Office, Geological Survey of India, (North Eastern Region) under Deptt. of Mines, at Shillong on Adhoc Basis and I discharged my duties in this Office as P.A.O. cum D.D.O. as well as Head of Office for the Staff of P.A.O. from 4.3.1981 to 31.3.1988 AN. for long 7 years 27 days with best of my ability and sincerity.

A. B. Jindal
Chm
Sd/-

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But it is very very unfortunate that though there was no let
off on my part in the discharge of my duties and obligations as
P.A.O. cum D.D.O. as well as Head of Office no action was taken in
the C.G.A.'s office to regularise my service which I accepted on
Permanent basis, till the date I retired from service (in 31.3.1988).

As regards regularisation of ad-hoc promotion/ appointment I would
invite attention of the respected Contraller General of Accounts to
Central Administrative Tribunal Delhi's judgement in the case CA No.
1118 of 1987 decided on 27/29th May 1991 respecting Sant Parkas Vs
Union of India & others. While pronouncing the judgement the learned
Judges of the Tribunal held that "the purpose of making adhoc pro-
motion is to tide over the immediate needs of the Administration by
making short term stop-gap arrangement. Any arrangement on adhoc basis
for over one or maximum two years loses its character of adhoc or
stop-gap arrangement. It will therefore, be against the spirit of
principles of natural justice to treat the service of the applicant
for over 8 years as adhoc..... It would be unfair to ignore his
service by linking it with inglorious uncertainty or regularisation
particularly when he has proved his capability to hold the post for
8 years". In the instant case I worked as Pay and Accounts Officer
cum Drawing & Disbursing officer as well as Head of Office for
P.A.O. Staffs for long 7 Years and above from 4-3-81 to 31-3-1988.
On which date I retired from service on super annuation to the best
satisfaction of the superiors. I may mention that in pursuance of
the judgement of the honourable Central Administrative Tribunal,
New Delhi I should be deemed to have been regularized as Accounts
Officers on 4-3-1983 at least (ie after two years of my adhoc
promotion).

In view of my above submission of facts I would request the
respected Contraller General Of Accounts kindly to look into the
case of the poor pensioner sympathitically and issue orders for
the regularisation of my adhoc position in the post of Accounts
Officer from a date so as to enable me to get the benefit of
national fixation of pay in the scale of Rs 2800- 4000/- for the
purpose of pensionary benefits, regard being had to my long period
of more than 7 years service as Accounts Officer and for this act
of extreme kindness I shall remain ever grateful to you.

Yours faithfully,

Ramendra Narayan Chaudhuri
Ramendra Narayan Chaudhuri
'BRATIVALAYA' GORALINE ROAD;
LAITUMERANG SHILLONG NK-783003
(MEGHALAYA)

2/8/93.

Attn: T. C. J.
Chaudhuri

Regd AID

Dt. 5-10-94

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ANNEXURE - 8

To
Her Excellency
Srimati Margaret Alva
Minister of personnel, public grievances and pensions
Deptt. of pension and pension Welfare
Ashok Road, 'Nirvachan Sadan'
New Delhi - 110001.

Subject: Creation of a promotional Grade Scale of Rs. 2200-75-2800-EB-4000 for the Audit and Accounts Officer of IA&AD and other Organised Accounts Cadres-Denial of benefit to a Section of Retired Accounts Officers of the Departmentalised Accounts Setup.

Respected Madam,

I have the honour to submit this representation to your gracious self for favour of your kind perusal and sympathetic action.

That, Madam, Govt. of India, Ministry of Finance, Deptt. of Expenditure in their O.M. No. 6(82)-IC/91 dt. 22-9-92 accorded sanction to the creation of a promotional grade scale of Rs.2200-75-2800-EB-100-4000 for the Audit and Accounts Officers of the IA&AD and other Organised Accounts Cadres. Subsequently the Finance Ministry in their O.M. NO. 6(82)-IC/91 dt. 21-6-93 extended the benefit of Notional Fixation of pay for the purpose of pension to those of the Accounts Officers who retired between 1.4.87 and 31.3.92.

That, Madam, I may kindly be permitted to mention here that I joined as Pay and Accounts Officer in the Pay and Accounts Office, GSI(NER), Shillong under the Ministry of Mines, on 4-3-81 and superannuated on 31.3.88 AN after rendering a period of more than 7 years service without break or interruption.

That, Madam, in terms of G.I. OM. Dt. 21-6-93 I am entitled to the benefit of Notional Fixation of pay in the promotional grade scale. As such I had submitted three representations to the Controller General of Accounts, Ministry of Finance, Deptt. of Expenditure, New Delhi on 2-8-93, 15-10-93 and 31-8-94 requesting him kindly to favour me with the benefit of Notional Fixation of pay in the scale of Rs. 2200-75-2800-EB-100-4000 for the purpose of my pensionary benefits after regularisation of the period of my

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Adhoc Service in the grade of pay as Accounts Officer. But upto now I have not been favoured with a reply. That, Madam, inspite of the fact that Govt. of India, Deptt. of Personnel and Training issued instructions from time to time vide OM NO. 28036/2/77 Estt(D) dt. 7.10.77 and OM No. 39021/5/83 Estt(B) dt. 9.7.85 discouraging appointment/promotion on adhoc basis, I was irregularly appointed as Accounts Officer on Adhoc-basis as PAO, GSI(NER), Shillong instead of on permanent basis even though the post was a regular one, in-deference to the terms of the Circular issued by the Chief Controller of Accounts, Principal Accounts Office, Ministry of Home Affairs, New Delhi under letter No. 10/64/deputation/Pr.A.O./80/3809 dt. 10.10.80.

That, Madam, Govt. of India, Deptt. of personnel and Training set some criteria for appointment of officers on adhoc basis such as

- (i) Recruitment Rules in respect of the grade in question has not been finalised.
- (ii) Amendment to the recruitment Rules are under Consideration but not finalised.
- (iii) When there is an injunction by a Court or Tribunal barring filling up of the post on regular basis.
- (iv) When direct recruitment quota is not filled up.
- (v) When there is a short term vacancy due to regular incumbent being on leave or on deputation.
- (vi) When the seniority list of the feeder grade is disputed.

That, Madam, Appointment/promotion of Junior Accounts Officers/Assistant Accounts Officers to the next grade of promotion as Accounts Officer in the departmentalised Accounts set up do not come under any of the constraints stated above and there was no bar in giving regular promotion/appointment as Accounts Officer. Since the recruitment Rules of Central Accounts Service (Pay and Accounts Officers) Recruitment Rules, 1977 had already been finalised and came into force with effect from April 1977 and no amendment to the Recruitment Rules was under Consideration during the period of my service.

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- (ii) That, Madam, there was no injunction by a Court or a Tribunal which barred my promotion/or Appointment on regular basis to the post of Accounts

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Officer of PAO, GSI(NER), Shillong.

- (iii) In the departmentalised Accounts set up there was no quota for Direct Recruitment in the grade of Accounts Officer.
- (iv) The post of Accounts Officer, PAO, GSI(NER) Shillong fell vacant consequent on the retirement of regular incumbent of the post as such it was a regular vacancy.
- (iv) All promotions/Appointments in the grade of Accounts Officers are made from the level of Junior Accounts Officers/ or from Asstt. Accounts Officers by C.G.A. strictly on the basis of Seniority cum fitness and through wide circulation of vacancies.

That, Madam, in the instant case I was appointed as Accounts Officer on adhoc basis against a regular vacancy. Since none of the criteria regarding appointing me as Accounts Officer on adhoc basis was present, I was irregularly appointed as such by the Controller of Accounts, Principal Accounts Office, Deptt. of Mines as a result of which I am now going to lose my pensionary benefits, which is the only source to fall back upon after retirement.

That, Madam, instructions issued by the Deptt. of personnel and Training total period for which appointment/promotion on adhoc basis may be made should in no case exceed one year. If in any case appointment is extended beyond one year approval for the continuance of appointment has to be obtained from the Deptt. of personnel and Training. But that was not done in my case at any time during my service period as such it may be assumed that my appointment on adhoc basis stood automatically ceased after the expiry of one year from the date of appointment and I have become regular in the Service automatically (vide Deptt. of personnel & AR OM. No. 36011/14/83 Estt. (SCT) dt. 30.4.83 and 30.9.83 and G.I. Deptt. of Per & Try OM No. 28036/8/87 EsH(D) dt. 30.3.88.

Judgements on adhoc appointments/promotions

That, Madam there have been many Court cases on ADHOC APPOINTMENTS/

PROMOTIONS in the recent past by the aggrieved Govt. employees. I cite two very recent judgements in support of my claim for regularisation in the post of A.O., PAO, GSI(NER) Shillong which will speak for itself and justify my case for regular appointment. (1) In the case between Una Shankar Prasad Vs Union of India & others (Case No. 1992(2)ATJ 298 (Calcutta) dt. of judgement 2.6.1992)

"In this case question now arises for consideration is whether when a person after being promoted even on adhoc measure; is allowed to officiate for more than a decade is he entitled to claim regularisation? It was held that when a person officiates in a particular scale for 10-15 years, he holds the post regularly and it cannot be said that he merely held the charge of the post. This decision would apply to the facts of the present case because even assuming that the promotion was adhoc if some body was allowed to officiate for a long time he should be held to have regularly held the post."

Learned Judges of the Supreme Court directed the respondents to issue Orders of regularisation w.e.f. the date of his promotion (Copy enclosed).

In another significant judgement the Central Administrative Tribunal ^{New Delhi} in case No. OA.111-B of 1987 decided on May 27/29 1991 in the case between Sant Prakash Vs Union of India and others held that the purpose of making adhoc promotions is to tide over immediate needs of the administration by making short term stop-gap arrangement. Any arrangement on adhoc basis for ^{one} over or maximum two years loses its character of adhoc or Stop-gap arrangement. It will therefore be against the spirit of the ~~applicant~~ natural justice to treat the service of the applicant for over 8 years as adhoc. It will be unfair to ignore his service by linking it with inglorious uncertainty or regularisation particularly when he has proved his capability to hold the post for 8 years".

"The applicant should be deemed to have officiated on regular basis as office Supdt. and should therefore be considered for promotion as Section Officer....."

Handwritten signature/initials in the bottom left corner.

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Prayer :

In view of the administrative instructions & guidelines and judgments of Supreme Court and Central Administrative Tribunal, New Delhi, I beg to state that I am entitled to be declared as a regular Accounts Officer either from the date of my promotion/Appointment or at best after the expiry of 1(one) year from the date of appointment w.e.f. 4.3.1982 but till date despite my repeated representations to the respected Controller General of Accounts, New Delhi Orders regularising my service as Accounts Officer has not as yet been issued as a result of which I now stand to lose my pensionary benefits.

In the circumstances, may I therefore request the favour of your benign self kindly to do the needful for restoration of justice in my case.

Yours faithfully,

Ramendra Narayan Chaudhary 4/10/94
RAMENDRA NARAYAN CHAUDHARY
'PRATIVALAYA'
GORA LINE, LAITUMKHAH
P.O. SHILLONG (PIN - 793003)
(Meghalaya)

A. S. K.
B. S. K.
Advocate
Shillong.

(37)

ANNEXURE - 9

No. 13/2/95-Estt.(pay-I)

भारत सरकार

GOVERNMENT OF INDIA

कार्मिक, लोक शिकायत तथा पेन्शन मंत्रालय

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

कार्मिक और प्रशिक्षण विभाग

DEPARTMENT OF PERSONNEL & TRAINING

नई दिल्ली

NEW DELHI

Dated the 23.1.1995

To

Shri Ramendra Narayan Chaudhari,
Prativalaya,
Gora Line, Laitumkhrach,
P.O. Shillong-3 (PIN-793003).
MEGHALAYA.

25 JAN 1995

Subject:- Creation of a promotional Grade scale of Rs. 2200-4000 for the Audit and Accounts Officer of IA&AD and other Organised Accounts Cadres-Denial of benefit to a Section of Retired Accounts Officers of the Departmentalised Accounts Set-up.

Sir,

I am directed to refer to your letter dated 4.10.1994 addressed to Hon'ble Minister of State (PP) on the above cited subject and to say that the matter has been examined in consultation with the Office of CGA, Ministry of Finance. It is found that you were working as PAO on ad-hoc basis before your retirement. Ministry of Finance OM No. 6(82)-IC/91 dated 22.9.92 stipulates three years regular service in the grade of PAO for eligibility for promotion or even for notional fixation for those who retired from service between 1.4.87 and 31.3.1992. Since your turn for regular promotion could not come during your service tenure and ~~was~~ not found eligible for regular promotion to the post of PAO the benefits asked for therein cannot be granted to you. It is, therefore, not possible to accede to your request.

Altaf

[Signature]
& Accounts Officer
G.S.I., NER
Shillong

Yours faithfully,

[Signature]
(T.O. THOMAS)

UNDER SECRETARY TO THE GOVT. OF INDIA

Recd W
3/2/1995