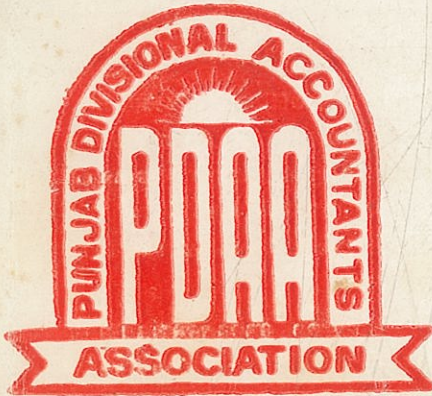


SOUVENIR

**PUNJAB DIVISIONAL ACCOUNTS OFFICERS/
ACCOUNTANTS ASSOCIATION**
(FOR MEMBERS ONLY)



S
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R

Then only will India awake, when hundreds of large-hearted men and women giving up all desires of enjoying the luxuries of life, will exert themselves to their utmost for the well being of the millions of their countrymen.

Swami Vivekananda



The virtue of all achievement is victory over oneself. Those who know this can never know defeat.

(A. J. CRONIN)



No body should remain satisfied with his own welfare, but everybody should regard his welfare to lie in the welfare of all.

Issued on the Eve of 17th Bi-Annual General Conference of
PUNJAB DIVL. ACCOUNTS OFFICERS/ACCOUNTANTS ASSOCIATION
Held at CHANDIGARH on 09-12-2001.

FOREWORD



Dear Friends,

This souvenir is being released to commemorate the XVIIth General Conference of Punjab D.A.Os' / D.A's Association being held at Chandigarh on 9th Dec; 2001. This Souvenir contains useful data and important decisions and orders of various authorities which are relevant and will definitely be helpful to all the members in their day-to-day functioning.

Since the assumption of the office of President, Punjab D.A.O's / D.A's Association, I have been putting my heart and soul to get the problems of the Cadre solved not only at the hands of the Administration but even from the various authorities/offices of Punjab Govt.

The development of human personality is possible only on channelising and exchanging the ideas, thoughts through matured and serious deliberations. Keeping in view this idea, we have been holding regular meetings during our tenure in every corner of the State. The XVIIth General Council meeting and this Souvenir will also give definitely an opportunity to all the members to express/exchange their views on different matters.

No doubt, we have achieved a little success in the past and if we unitedly continue our efforts, the days are not far off when we will attain the deserving scales and status with further progression in our own field of works. We have recently submitted a 'WORK PAPER' containing details of our working conditions, practical difficulties we are facing in the field and suggestions for better scales and improvement in service conditions by amending various codes as per need of the hour. Sooner or later, we are hopeful to get something amazing.

During the tenure of present body, we have started sending Birthday Cards to each member wishing best wishes on the eve of his Birthday. I hope every DA/DAO alongwith their family members definitely enjoy the receipt of Birthday Greetings from the Association.

New year is approaching fast and I wish all of you a very HAPPY NEW YEAR and pray to almighty that each day of the year ahead be wonderful for you.

(S. K. ARORA)
President

Souvenir Publication Committee

- | | |
|--------------------------------------------|-----------------------------------------|
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| 2. Editor | Sh. B. R. Sehgal
D.A.O.-II |
| 3. Secretary Publication-I | Sh. Joginder Ram
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D.A. |
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| | (vi) Smt. Davinder Kaur
D.A.O.-II |

SUGGESTIONS

Suggestions for improvement, if any, may kindly be addressed to the Publication Incharge.

Editor-in-Charge

This Souvenir Contains

S No.	Brief Particulars	Pages
Section-I		
(1)	MESSAGES	13 Nos.
(ii)	Minutes of Meetings held on 26/5/2000 & 27/11/2001 under the Chairpersonship of Principal Accountant General (A&E), Punjab, Chandigarh with the Representatives of Punjab DAO's/DA's Association, Extract of Executive Council Meetings of A.I.F. Held on 25/6/2000, 19/11/2000 and 30/8/2001 and Extract of Minutes of Office Council Meeting Held on 20/11/2001.	1—11
SECTION-II		
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SUGGESTIONS

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Editor-in-Charge

Section-I

S. No.	Brief Particulars	Pages
1.	MESSAGES FROM :-	
(i)	Madam Mahua Chatterjæ, Pr. Accountant General I(A&E), Punjab, Chandigarh.	
(ii)	Sh. Nand Lal, A.G. (Audit), Punjab, Chandigarh.	
(iii)	Sh. Manmohan Kumar, D.A.G., (Works Adm.).	
(iv)	Capt. Kanwaljit Singh, Finance Minister, Punjab, Chandigarh.	
(v)	S. Sucha Singh Langah, Public Works (B&R), Minister, Punjab, Chandigarh.	
(vi)	S. Ajaib Singh Mukhmilpura, State Minister, Public Works (B&R) Department, Punjab, Chandigarh.	
(vii)	Raja Narinder Singh, Public Health and Civil Aviation Minister, Punjab, Chandigarh.	
(viii)	S. Janmeja Singh Sekhon, Irrigation Minister, Punjab, Chandigarh.	
(ix)	Sh. Balramji Dass Tandon, Local Govt. and Labour and Employment Minister, Punjab, Chandigarh.	
(x)	Sh. Pawan Kumar Bansal, Member of Parliament (Lok Sabha) New Delhi.	
(xi)	Er. Puranjit Singh, Chief Engineer, Union Territory, Chandigarh.	
(xii)	Sh. A. K Ghosh, President of A.I.F. of DAO's/DA's Associations, Calcutta.	
(xiii)	Sh. R. N. Tripathi, Secretary General A.I.F. of Divisional Accountants Associations, Allahabad.	
2.	Minutes of the Meeting held on 26/5/2000 under the Chairpersonship of Pr. A.G. (A&E), Punjab, Chandigarh & Representatives of Punjab DAO's/DA's Association.	1—3
3.	Extract of Minutes of the Executive Council Meeting of A.I.F. Held on 25/6/2000, 19/11/2000 and 30/8/2001.	3—7
4.	Minutes of the Meeting Held on 27/11/2001 under the Chairpersonship of Pr. A.G. (A&E), Punjab, Chandigarh with the Representatives of Punjab DAO's/DA's Association.	8—10
5.	Extract of Minutes of Meeting of Office Council Held on 20/11/2000.	11—00



With best compliments from :

Pawan Kumar Verma

(Partner)

M/s. Satish Aggarwal & Co.

HOT-MIX PLANT OWNER

ENGINEER & CONTRACTOR

75, Rani Ka Bagh, AMRITSAR,

Phone : 212422 / Mobile : 98141-32108



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Govt. Contractor

V. & P.O. Ganda Singh Wala, Majitha Road, Amritsar.

Mobile : 98141-42600, Ph. 422300, 422500, 422600



Message

I am happy to know that SOUVENIR is being released at the time of General Conference being held on 09-12-2001 at Chandigarh.

The cadre of Divisional Accountants has fine traditions and its members have been rendering commendable service in the field of financial administration. In his three fold functions, the Divisional Accountant ensures that the accounts prepared by him are factually correct and there is no wasteful expenditure. With the rapid increase in the welfare activities of the Govt. there is great need for exercising proper control over financial transactions so as to obtain optimum results out of the limited resources available in the State.

The SOUVENIR will go a long way in the updation of knowledge regarding important orders, instructions and decisions not only of the PWD but also of the Government of India, the Comptroller and Auditor General of India and of the courts.

I believe the SOUVENIR will reach every member of the Association to keep him abreast of various problems of this cadre and enhance his effectiveness in improving the working of PWD.

(M. Chatterjee)
Pr. Accountant General
(A&E), Punjab, Chandigarh-160 017



Message

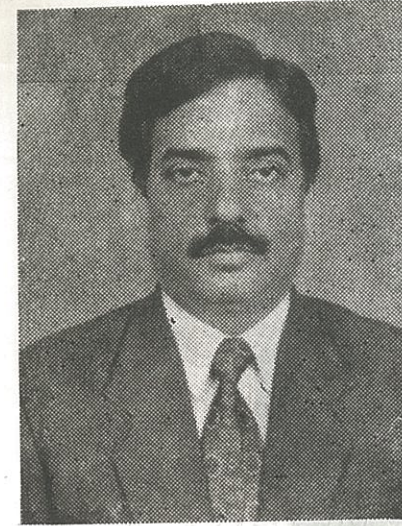
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(M. Chatterjee)
Pr. Accountant General
(A&E), Punjab, Chandigarh-160 017



ACCOUNTANT GENERAL (AUDIT), PUNJAB,
CHANDIGARH-160 017
Phone : 0172-704168, 703873
Fax : 0172-703149

MESSAGE

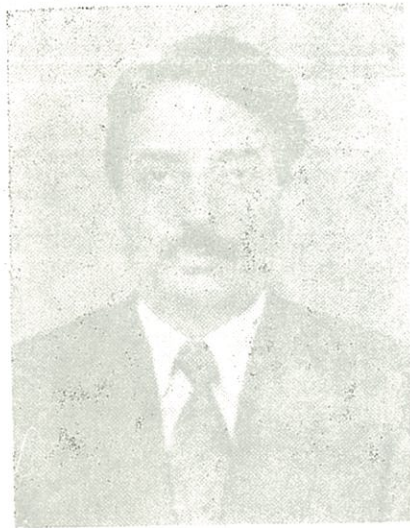
It is heartening to know that the Punjab Divisional Accounts Officers/Accountants Association is holding its General Conference on 9th December, 2001 and a souvenir is also being brought out to mark the occasion. Such events provide an opportunity to promote and strengthen the feeling of co-operation & mutual understanding.

This cadre is a part & parcel of the supreme audit organisation and their duties are enshrined to safeguard the interests of the State Government as well as to advise it on various financial matters. Though their administrative control rests with the respective Accountant General of the State, yet for all intents and purposes they work under the State Government. In other words, they are answerable to two sets of administration. They have to work under pressure in order to maintain dignity of their organisation. The organisation is continuously doing its laudable work in overcoming its constraints and enabling its members to scale new heights.

I extend my best wishes to the organisers & the participants and wish them all the success for the event.

(NAND LAL)

ACCOUNTANT GENERAL (ADULT) PUNJAB
CHANDIGARH-160 017
Phone : 0172-704168, 703253
Fax : 0172-703149



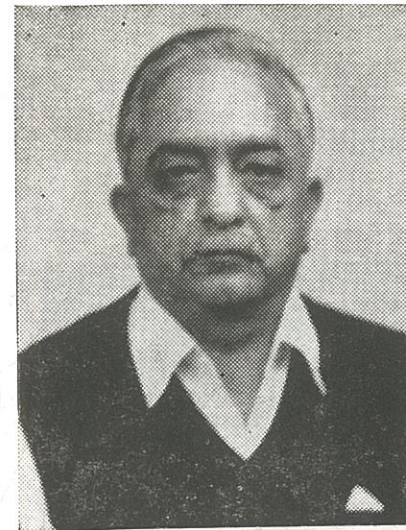
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(NAND LAL)



Minister
Government, Punjab

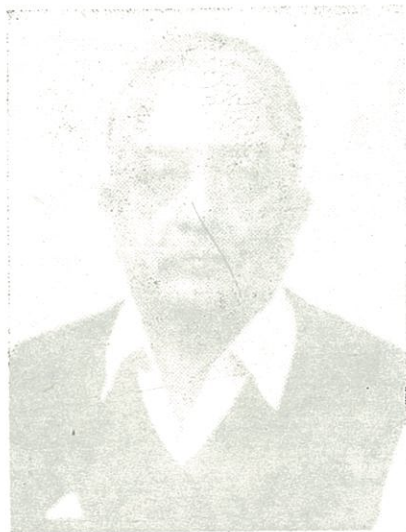
Message

This SOUVENIR commemorates the General Conference of Punjab Divisional Accounts Officers/DAAs Association being held at Chandigarh on 9-12-2001. This meeting will afford an opportunity to the members to know one another more closely and discuss various problems relating to their office work. I am sure the discussions will be fruitful.

Sr. DAOs/DAOs/DAs have a great responsibility not only in the proper maintenance of the accounts of Public Works but also to ensure that the expenditure incurred is in consonance with the Rules and instructions. They have to guard against the misuse of funds. The success of country's economic development projects very much depends on the accurate and upto date accountancy. I hope the Sr. DAOs/DAOs/DAs will continue to shoulder the responsibility honestly, sincerely and efficiently.

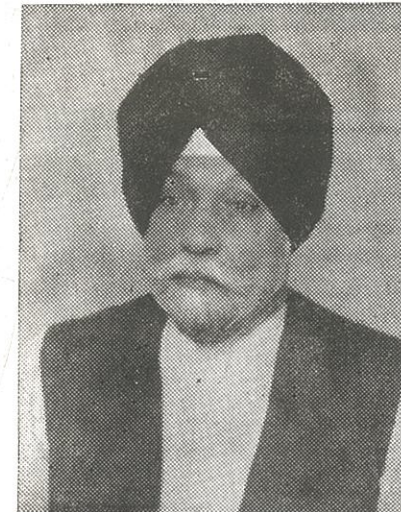
I convey my good wishes for the success of the SOUVENIR.

(MANMOHAN KUMAR)
Deputy Accountant General
(W. Admn.)



Capt. Kanwaljit Singh

Minister
Finance Department, Punjab,
Chandigarh.



Sucha Singh Langah
Minister, Punjab,
Chandigarh.

Message

I am glad to note that Punjab Divisional Accounts Officers/ Accountants Association is holding its general conference on 9th December, 2001 and bringing out a Souvenir on this occasion.

I am sure that this conference will provide a healthy platform to the members of the association for the welfare of the employees.

On this occasion I congratulate the organisers for holding this conference and wish them all success.

(Capt. Kanwaljit Singh)

Sucha Singh Langah

Message

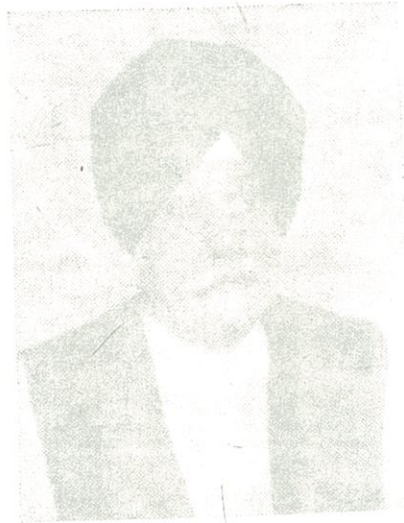
This SOUVENIR commemorates the General Conference of Punjab Divisional Accounts Officers DAS Association being held at Chandigarh on 8-12-2001. This meeting will afford an opportunity to the members to know one another more closely and discuss various problems relating to their office work. I am sure the discussions will be fruitful.

St. DAOs DAS have a great responsibility not only in the proper maintenance of the accounts of Public Works but also to ensure that the expenditure incurred is in consonance with the Rules and instructions. They have to guard against the misuse of funds. The success of country's economic development projects very much depends on the accurate and upto date accountancy. I hope the St. DAOs DAS will continue to shoulder the responsibility honestly, sincerely and efficiently.

I convey my good wishes for the success of the SOUVENIR.

(MANMOHAN KUMAR)
Deputy Accountant General
(W. Admn.)

Minister
Finance Department, Punjab,
Chandigarh.



Message

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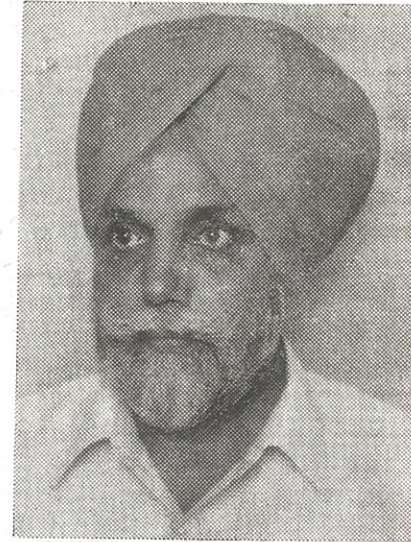
(Capt. Kanwaljit Singh)

Capt. Kanwaljit Singh



Ajaib
Sucha Singh Langah

**Public Works (B&R) Minister, Punjab,
Chandigarh.**



Message

It is proud privilege for me to know that Punjab Divisional Accounts Officers/Accountants Association, Chandigarh is organising a high level conference on 9th December, 2001.

It is a matter of immense pleasure to know that a valuable Souvenir is being brought on this occasion. I am sure that it would prove most beneficial for the students of accounts.

I send my best wishes to the organisers and wish the conference all success.

Sucha Singh Langah

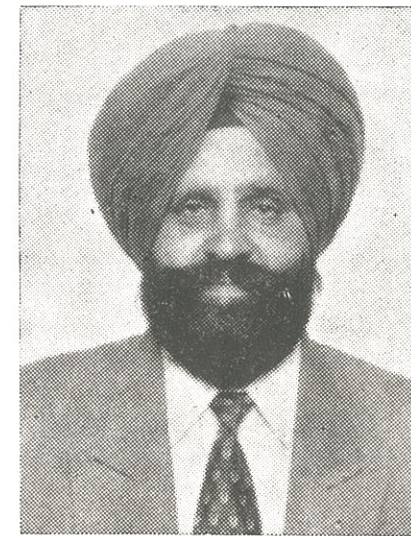
(Ajaj Singh Mukhmalpura)



Ajaib Singh Mukhmailpura

D. O. No. 711
State Minister,
Public Works (B&R)
Department, Punjab

Dated, Chandigarh, the 7-11-2001



Message

It gives me immense pleasure to know that Punjab Divisional Accounts Officers/Accountants Association is going to organise a general conference on 9th December, 2001.

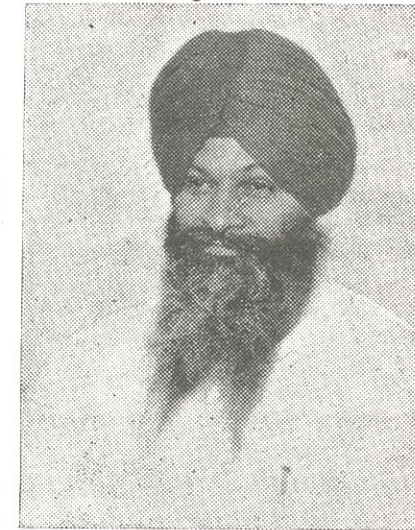
It is a matter of great pleasure for me to know that a valuable Souvenir is being brought on this occasion. It would be proved a highly beneficial for the students of accounts.

I wish all the success for the entire function and send my heartiest congratulation to all the organisers of this conference.

(Ajaib Singh Mukhmailpura)

JANMEJA SINGH SEKHON
Tele. No. : 742471

D.O. No. 165
Dt. 2-11-2001
Irrigation Minister,
Punjab Chandigarh,



Message

It gives me immense pleasure to know that Punjab Divisional Accounts Officers/Accountants Association Chandigarh is going to organise a high level conference on 9th December, 2001 at Chandigarh.

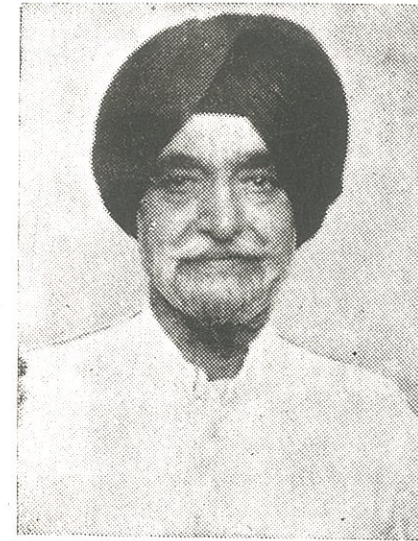
It is also a matter of great eminence that a valuable Souvenir is being brought out on this auspicious occasion. The conference would provide better results for the members of the Association.

I hereby send my congratulations and best wishes to the organisers of this conference.

(Janmeja Singh Sekhon)



ਰਾਜਾ ਨਰਿੰਦਰ ਸਿੰਘ
ਫੋਨ : 740761 (ਦ.)
742598 (ਘ.)



ਅ.ਸ.ਪੱ. ਨੰ: ਨਿੱ:ਸ:/ਜ:ਸਿ:ਸ:ਹ:ਮੰ:/
ਜਨ ਸਿਹਤ ਅਤੇ ਸ਼ਹਿਰੀ ਹਵਾਬਾਜ਼ੀ ਮੰਤਰੀ
ਪੰਜਾਬ, ਚੰਡੀਗੜ।

ਸੰਦੇਸ਼

ਮੈਂਨੂੰ ਇਹ ਜਾਣ ਕੇ ਅਸੀਮ ਪ੍ਰਸੰਨਤਾ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਡਵੈਲਮੈਂਟ ਅਕਾਊਂਟਸ ਆਫੀਸਰਜ਼/ਅਕਾਊਂਟੈਂਟਸ ਐਸੋਸੀਏਸ਼ਨ ਚੰਡੀਗੜ 9 ਦਸੰਬਰ, 2001 ਨੂੰ ਚੰਡੀਗੜ ਵਿਖੇ ਇੱਕ ਉਚ ਪੱਧਰੀ ਕਾਨਫਰੰਸ ਦਾ ਆਯੋਜਨ ਕਰ ਰਹੀ ਹੈ।

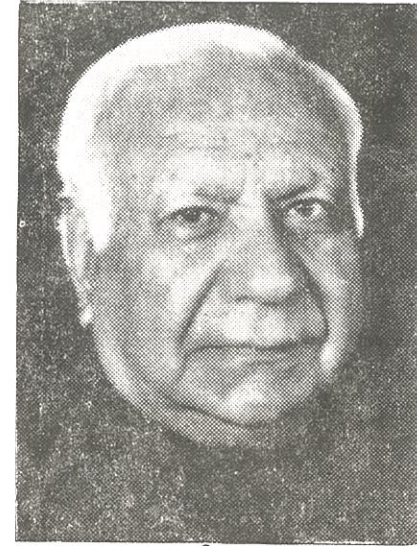
ਬੜੀ ਖੁਸ਼ੀ ਦੀ ਗੱਲ ਹੈ ਕਿ ਇਸ ਮੌਕੇ ਤੇ ਇਕ ਸੁਚਿੱਤਰ ਮੈਗਜ਼ੀਨ ਵੀ ਕੱਢਿਆ ਜਾ ਰਿਹਾ ਹੈ। ਇਹ ਮੈਗਜ਼ੀਨ ਐਸੋਸੀਏਸ਼ਨ ਦੇ ਮੈਂਬਰਾਂ ਲਈ ਬਹੁਤ ਲਾਹੇਵੰਦ ਸਾਬਤ ਹੋਵੇਗਾ। ਮੈਂ ਇਸ ਮੌਕੇ ਤੇ ਕਾਨਫਰੰਸ ਦੇ ਪ੍ਰਬੰਧਕਾਂ ਨੂੰ ਦਿਲੋਂ ਮੁਬਾਰਕਬਾਦ ਦਿੰਦਾ ਹਾਂ ਅਤੇ ਕਾਨਫਰੰਸ ਦੀ ਸਫਲਤਾ ਲਈ ਦਿਲੋਂ ਕਾਮਨਾ ਕਰਦਾ ਹਾਂ।

(ਰਾਜਾ ਨਰਿੰਦਰ ਸਿੰਘ)



Balramji Dass Tandon

**D.O. No. SS/LGM/1011
Local Govt. and Labour &
Employment Minister,
Punjab, Chandigarh.**



Message

I am glad to know that Punjab Divisional Accounts Officers /Accountants Association is bringing out a Souvenir during its general conference being held at Chandigarh on 9th December, 2001.

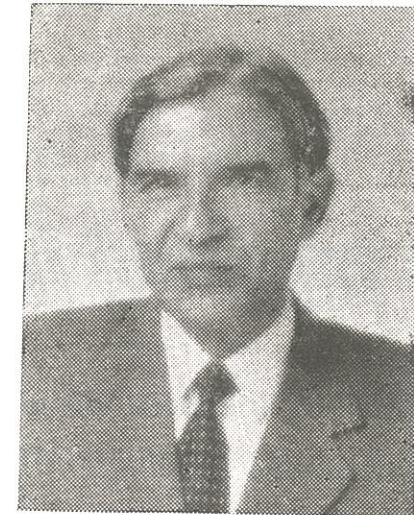
I am sure that such publications are indeed very helpful & purposeful to upgrade the professional skills of the professionals.

I wish this publication all success.

Balramji Dass Tandon

PAWAN KUMAR BANSAL
Member of Parliament
(Lok Sabha)

64, Sector 28-A,
Chandigarh-160 002
Phone : (0172) 657565
Ferozeshah Road,
New Delhi.
Phone : (011) 3782812
November 22, 2001.



Message

The Accounts Department of any undertaking plays a vital role in its smooth functioning. Today, when greater insistence is being laid on transparency in the working of governmental organizations and a law on freedom of information is being enacted, the role of Accounts Officers assume still greater importance.

I am confident that at the general conference of Punjab Divisional Accounts Officers/Accountants Association being held on 9th December, 2001, deliberations will cover the new widening horizon of their role in the emerging imperatives of E-governance.

I send my best wishes.

(PAWAN KUMAR BANSAL)

Er. PURANJIT SINGH

CHIEF ENGINEER
Union Territory, Chandigarh,
☎ : 741340 (O) 548478 (R)
(Fax) 742733
E-mail ce@nic-chd.ren,nic.in

20th November, 2001.

Message

It gives me immense pleasure to know that the Punjab Divisional Accounts Officers/Accountants Association is bringing out a Sonvenir to be released at the time of General Conference being held in the month of December, 2001.

I wish the venture all success.

(Puranjit Singh)

Message

I am glad to learn that Punjab Divisional Accounts Officers/ Accountants Association is going to hold General Session of the Association on 9-12-2001 at Chandigarh and on this occasion the Punjab Association is bringing out a Souvenir. Punjab Association has all along played a very vital role by active participation in organizational activities. I wish that this General Session will be a total success and throw light on the path for further advancement of the Cadre.

Moreover, the Souvenir published by the "Punjab Association" previously were very valuable and I am sure the present Souvenir will also maintain its traditional values.

With best wishes

(A. K. GHOSH)
President of A.I.F.
of DAO's/DA's Associations

Message

I am happy to know that the Punjab Divisional Accounts Officers/ Accountants Association is holding their 17th Annual General Session at Chandigarh on 9th December, 2001 and also bringing out a Souvenir to commemorate the occasion. I send my and A.I.F.'s good wishes to all the members of the Association and also wish the conference all success. Here I will like to state that the Punjab Association had always played a vital role in the A.I.F. activities and during the last decade the leadership of the Association played a very active & useful role towards furtherance of our common cause, especially during Vth Central Pay Commission and framing of work paper on strengthening of Pre-Check system, which we represent.

Friends, we have some break through but we have still a long way to go to achieve the ultimate goal. I believe, if we can move unitedly with sincerity and determination, Victory will be ours. I hope this session will discuss all those issues & find a way to strengthen the organisation at state and all India level.

With Warm Greetings

(R. N. Tripathi)
Secretary General A.I.F.
of Divisional Accountants Associations

Subject : Minutes of Meeting held on 26-5-2000 at 11-00 A.M. under the Chair Personship of Pr. Accountant General and representatives of D.A Os/D.As. Association.

<u>Sr. No.</u>	<u>Association Side</u>	<u>Office Side</u>
1.	Sh. S. K. Arora, President	1 Sh. P. R. Nair, DAG (W.Adm.).
2	Sh. K. K. Jandial, General Secretary.	2. Sh. R. K. Sabharwal, Sr. A O. (Works Admn.).
3.	Sh. R. K. Sharma, Ex-President.	3. Sh. Harmed Singh, AAO. (W. Admn.)
4.	Sh. A. K Arora, Sr. Vice-President.	
5	Sh Harjinder Singh, Joint Secretary-I.	
6.	Sh. P. K. Jain, Assistant Secretary.	
7.	Sh. J. S. Sekhon, Liason Officer.	
8.	Sh. Rajinder Singh, Cashier.	
9.	Sh. S. B. Gautom, Representative All India Federatipn	
10.	Sh. R. L Deoi, Member,	
11.	Sh. O P Mittai, Member.	
12.	Sh. P. L. Sehgal, Member.	

At the very outset, the chairperson observed that this was the first meeting with the Association after their Elections. Representatives of the Association were introduced to the chairperson and thereafter discussions were held on the following points :-

1. General Transfers 2000 :-

The Association was informad that Annual transfers-2000 are likely to be made in the middle of June-2000. Every effort will be made to consider request cases, couple cases and Physically handicapped cases etc. as far as administratively possible. it was also assured that the norms fixed by CAG's office will be followed strictly.

2. Posting of DAOs/DAs in Panchyati Raj & Electrical Divisions :-

It was decided to make a D.O. reference at higher level with the State Govt. In the meantime, case for allotment of dual charge of vacant Panchayati Raj and Electrical Divisions was ordered to be put up after Annual General transfer-2000.

3. Training Programme :-

The Association was told that computer Awareness Training for DAs/DAOs has already started w.e.f. 22-5-200. This in house training will be a continous process and every DA/DAO, Sr. DAO will be given training in due course. At the request of the Association it was decided to increase the number of working days from 12 to 21 for local DAs. For outside DAs/DAOs, it was decided to conduct full day training after reducing the number of working days to 5 days or so. Computer training at R.T I. Jaipur is also being held w.e.f. 10-7-2000 to 18-7-2000 5 persons are being deputed to attend the training.

4. Credit of GPF subscription of DAOs/DAs :-

It was decided to make a reference to the Headquarters office proposing extension of date of receipt of Cheque/Bank Draft showing the subscription towards GPF from 5th of the each month in case of DAs/DAOs.

The Association quoted the case of Sh. S. C. Prabhakar, DAO-I (Retired) who has made detailed representation to the Pay and Accounts Officer about non-payment of residual balance. It was decided to request the PAO to intimate Pr. Accountant General about the action taken on the representation made by Sh. S. C. Prabhakar.

5. Earmarking of Government Accommodation in A.G. Colony for DAOs/DAs posted at Chandigarh/Mohali :-

The Association requested the chairperson to allot at least one quarter to DAO/DA who is posted at Mohali/Chandigarh. This request is being looked into and needful will be done in consultation with E.O.

6. Allotment of a room to the Association in A.G. Office Building :-

This request was accepted and it was decided to make a reference to Accounts Officer, CRT to find out the space in the main building.

7. Writing of ACR by the Inspecting Officer :-

It was decided to forward the resolution passed by the Association (to be received afresh) to Headquarters Office with the recommendation to consider the demand of the Association sympathetically.

8. Non writing of ACRs by Executive Engineers in time :-

The Association was informed that the matter was being taken up demiofficially with the State Government to issue stringent instructions to the Executive Engineers to write the ACRs. At this, the Association requested that there was instructions from Punjab Government that if an ACR is not written by the reporting officer within prescribed time, it should be considered good. They also requested that these instructions should be made applicable to DAOs/DAs also. After discussion, it was decided to make a reference to the CAG's office in this regard, after the instructions of the Punjab Government are made available by the Association.

9. Identification of Divisions :-

The last years arrangement will continue for another two years i.e. 2000 and 2001. Hence no new identification of divisions is desirable at this stage.

10. Pre-Auditing of bills :-

This demand of the Association has been accepted and orders of its implementation will be issued shortly.

11. Dual signature on cheques :-

The chairperson directed the Administration to arrange a meeting with the officials of Punjab Government. The Association requested that they should also be made a party to the meeting. The request was acceded to by the chairperson.

12. Specifying extent of check as internal checker by DAOs/DAs :-

Same comments as against item No. 11.

13. Misc. Items :- (a) Deputation :-

The Association requested the Chairperson to send only the names of selected candidates & not the panel to the borrowing organisation. This is being looked into.

(b) Delayed submission of monthly Accounts to this office by the Divisional Accountants :-

It was decided to make a reference to the Divisional Officer at the first instance to intimate the reasons of delay in the submission of monthly account to this office. On the receipt of reply from the Executive Engineer, in case the delay is on the part of DA/DAO, a show cause notice will be issued to him explaining the delay.

(c) Adverse remarks in the ACR of Sh. P. L. Sehgal, DAO-I :-

The Association requested the chairperson to look into the representation made by Sh. P. L. Sehgal, DAO-I sympathetically. They further requested to expunge the adverse remarks in the ACR. The chairperson agreed to look into the matter.

The meeting ended with vote of thanks.



Extract of minutes of the Executive Council Meeting of A.I.F. Held on 25-6-2000 at Walmi Lecture Hall (U.P.) Irrigation Complex Okhala, New Delhi.

Above meeting was attended by Sarvshri K. K. Jandial, Genl Secy. and Joint Secy. General of All India Federation of Divl. Accts./Divl. Accounts Officers and Shri B. R. Sehgal, Organising Secretary, Pb. Divl. Accounts Officers/Accountant Association. Secy. General of All India Federation of Divl. Accountants/Accounts Officers Association informed the Executive Council that meeting with different officers in the office of the C.&A.G. and Govt. of India was held in August, 1999, Sept. 1999, Feb. 2000 April, 2000 and June, 2000, as a result of a broad based policy of Transfers & Postings of the members of the cadre was got issued from the C.&A.G. He also informed the Executive Council that the issues like benefit of Sr. D.A.O. from 1-1-96, 50:50 from 1-1-86, Sr. A.O.'s pay scale for our cadre, Dual signatures on Cheques were still pending.

The Executive Council unanimously decided to prepare & submit a work paper. All the field units were advised to prepare draft work paper and send the same to Secretary General with a copy to the President, A.I.F. by 31-7-2000 and A.I.F. would then prepare a consolidated work paper for submission to the Administration by 31-8-2000.

Shri K. K. Jandial, General Secretary Punjab D.A.O.'s / D.A.'s Association reported that out of 259 sanctioned posts, 40 posts were vacant. There were 10 divisions without posts for which the Association was fighting. He stated that as and when vacancy arose; promotion orders were issued and there was no outstanding in this respect. He also stated that three resolutions as mentioned below were adopted in earlier meeting; but A.I.F. was silent regarding this :-

1. Transport allowance @ Rs. 800/- P.M. for pay above Rs. 8000/- and not pay scale at par on above 8000-13,500 (adopted in Pune).
2. Increase in rate of increment alongwith Seniority instead of Uniform rate of increment (adopted in Pune). The Secy. General stated that these two were National Council issues and had been rejected by Administration side. However, these would be taken up again at appropriate level
3. ACR. by E.E., Delay beyond six months to be taken as there was nothing adverse. The Secretary General reported that this was under persuasion.

Shri K. K. Jandial, then stated that A.I.F. should vigorously pursue for T.A. at Central Rate and for Dispensing with C.R. by Audit Party. He elaborated that an officer of A.G. (Audit) should not & could not write C.R. an officer of A.G. (A&E). An Officer of one department should not be allowed to write C.R. of another department. Audit Inspecting Officers were not authorised to write C.R. of Accounts Personnel of other Civil Departments. He also stated that this was also irregular, since Audit Officer in the Scale of Pay of Rs. 7500-12,000, but drawing less Basic Pay than the Sr. D.A.O. in the same/identical scale of higher pay could have no authority being a Junior Officer to write C.R. of a Senior Officer.

Regarding delay in submission of Monthly Accounts, he stated that the Monthly Accounts are submitted by the Executive Engineers and therefore Show Cause Notices should be issued to the E.E.s and not the DAs/DAOs. A.I.F. to look into it.

He reported that Computerisation in Punjab was almost completed. DA/DAOs were undergoing training. The State Association wanted training at R.T.I. to continue A.I.F. to look into it.

Regarding dual signatures on Cheques, Shri K. K. Jandial reported that only Irrigation and P.W.D. agreed to the Proposal. The State Association desired to have a meeting with all the Departmental representatives including the representatives of the Finance Department. The A.G., Punjab assured to look into it. He also stated that the quantum of check to be exercised by DA/DAO. need to be fixed.

Secretary General informed that following issues will be taken up with the Administration.

1. Restructuring of Cadre.
2. Uniform designation for the entire cadre.
3. Delay in writing of ACRs.

4. Training in R.T.I. & other such issues.
5. Transport Allowance.
6. Rate of Increment.

Next Executive meeting was decided to be held at Amritsar.

Further News-in-Brief :-

Following Agenda items have been submitted to the Deputy C.&A.G. for bilateral meeting :-

1. Restructuring of Cadre in 80:20.
2. Uniform designation for the entire cadre.
3. Making the Four Tier Restructuring effective from 1-1-96.

A list of following priority items were also submitted to Dy. C.A.G. :-

1. Filling up the vacancies.
2. Grant of full financial benefits to all eligible persons in respect of Promotions to D.A.O. (II) w.e.f. 1-1-86.
3. Reduction of eligibility criteria from 5 years to 3 years for Promotion to D.A.O. (II) from Divisional Accountant.

Extract of Minutes of Meeting of Executive Council of A.I.F. Held on 19-11-2000 at Pimti Rest House at Amritsar.

Above meeting was attended by All the Delegates of All India Federation i.e. Bihar, Himachal Pradesh, Maharashtra, Punjab, Gujrat, U.P; Tamil-nadu & West Bengal etc. In all 70 delegates attended this meeting. Thirty delegates also attended the meeting representing Punjab Divl. Acctts. Officers/Divl. Acctts. Association. Shri S. K. Arora, President, Punjab Divisional Accountants/Accounts Officers Association, delivered the Welcome address. He also read out the minutes of the last Executive Council Meeting; which were confirmed by the House by Vice Votes. Shri R.N. Tripathi, Secy. General, A.I.F. welcomed all & thanked Punjab Divl. Acctt. Officers/Accounts Association led by Shri K.K Jandial, Genl. Secy. Punjab unit for arranging the meeting. He then reported upto date development since last meeting. He stated that representatives of A.I.F. met the Principal Director (Staff) on 22-9-2000 and discussed the following items :-

1. Restructing of Cadre. in the ratio of 20:80.
2. Uniform designation for the entire cadre.
3. Effect of Four Tier Cadre Structure w.e.f. 1-1-86.
4. Effect of D.A.O. w.e.f. 1-1-86; with all consequential benefits, to the entire cadre.
5. Filling up of vacant Posts of D.A.'s in respective States.
6. Reduction of eligibility criteria from 5 years to 3 years of service as D.A. for promotion to the post of D.A.O. (II) from D.A.

Sh. K. K. Jandial, Genl. Secy. Punjab Divl. Accounts Officers/Accountants Association stated that unless basic pay scale of the cadre is improved, it will be of no use

even if 75% of our cadre get Gazetted Status. He also stated that the works paper should aim at improvement of our position to Supervisory level (S.O. or above), present system of recruitment need be changed and I.R. need be revised & requirement through S.S.C. to be discontinued.

He stated that the eligibility criteria of 5 years service for promotion to D.A O II from D.A. need to be changed to 3 years as has been adopted in other departments of G.O.I. Regarding functioning, he stated that the ultimate power of Divisional Officer to over-rule the observations of DA/DAO. need be dispensed with as DAO. is the internal checker & performing pre-check functions. He also stated that Primary Auditor be revived; as we are doing spot-pre-audit. Sh. K. K. Jandial, also stated that the following points may be kept in view :-

1. Independent status of DA/DAO in respect of Pre-Check function.
2. Proper seating arrangements commensurate with Status.
3. Proper residential accommodation commensurate with Status.
4. Definite percentage of checking by DA/DAO as in the case of S.D.O. & D.O.
5. Joint signatures on cheques.
6. D.D.O. for Salary payments.
7. C.R's.

House decided to finalise the works paper on 7-1-01 tentatively. For this purpose, a Sub-Committee with following members was formed :-

1. Shri G. S. L. Gupta, Sr. Vice President, A.I.F.
2. Shri C. S. Udas, Addl. Secy. Genl. A.I.F.
3. Shri K. K. Jandial, Genl. Secy. Punjab Unit and Joint Secy. A.I.F.
4. Sh. R. K. Rekhi, President, Himachal Pradesh & Vice President, A.I.F.

In addition to above, Secy. General and the President A.I.F. and Shri Gyanender Singh will be the Adviser. Above Sub-Committee met at Bombay during Feb; 2001 and finalised the Works Paper; which was submitted to the Deputy C.&A.G. on 22-3-2001 and it was submitted to C&AG The C&AG has called for the comments of the respective Accountant Generals on this Works paper. Comments by Principal Accountant General, Punjab on the Works Paper have been given to the C&AG.

Representatives from all the States thanked the Punjab Divisional Accounts Officers/Accountants Association led by its Genl. Secy for excellent arrangements for arranging Executive Council Meeting at Amritsar. Finally, Sec. General A.I.F. thanked the Pb. Divl. Accts Officers/Accts. Association for such-like arrangements and also thanked all the delegates who attended this meeting from far off places from all over India; & actively participating in the deliberations & making the meeting successful.

Extract of Meeting of the Executive Council of A.I.F Held on 30-8-2001
Sindhu Bhavan, BHOPAL.

Above meeting was attended by Shri S. K. Arora, President & Shri K. K. Jandial, General Secy. representing the Punjab Divl. Accounts Officers/Accountants Association. The above meeting concided with the General Conference of M.P. DAO/DA's Association in which Pb Divl. Accounts Officers/Accountants Association was represented by above Office bearers.

Executive Council Meeting discussed the following Agenda :-

1. Confirmation of the Minutes of the last Executive Council Meeting held on 19-11-2000 at PIMTI. Rest House, Amritsar.
2. Development in respect of Priority items-determination of future course of action.
3. Any other item as permitted by the Chairman.

Shri S. K. Arora; President, Punjab. Unit read out the minutes of the Executive Council Meeting held at Amritsar on 19-11-2000; which were confirmed by the House. Secy. General then reported that the works paper sub-committee met at Mumbai from 16 to 19-2-2001 and after thorough discussion on each & every point, finalised the works paper; which was handed over to the Deputy C. & A.G. at Delhi on 22-3-2001. It was gathered from the Administration that a Committee comprising of two Addl. Deputy C A.G's has been formed to examine the Work Paper and submit the recommendations. Works Paper had been forwarded by the C.A.G. to all the Accountant Generals controlling the cadre for giving their comments. Secy. General advised all the State Units to ensure that comments of the A.G: thereon is furnished early.

Shri K.K. Jandial, Genl. Secy. Punjab Unit informed the Executive Council that comments on the Works Paper by the Principal Accountant General had already been given. He also informed the Executive Council that Punjab Divl. Accounts Officers Accountants Association had got the renewal of recognition of the Association for further 2 years from Principal Accountant General, (A&E) Punjab, Chandigarh. Secy. General, A.I.F. informed the Executive Council that regarding Senior A.O.'s pay scale, Ministry of Finance, G.O.I. (P.I. Cell) has called for the comments of C.A.G., A.I.F. will look after it. till its acceptance.

Problems faced by other State Units were also discussed in the meeting. Each state unit gave its opinion in which representative of Pb. D.A.O's/D.A's Association actively participated.

Meeting with Deputy C&A.G. of India with the office bearers of A.I.F. was held in which following items were discussed :-

1. Transfer of cadre in Rajasthan.
2. Filling up of vacancies.
3. Grant of 80:20 Lower and high Scale.
4. Grant of uniform designation to the entire cadre.
5. Grant of Senior A.O's Pay Scale.

Deputy C.A.G. gave patience hearing and assumed to look into the above demands.

Subject :- Minutes of the meeting held on 27-11-2001 at 11-00 A.M. under the Chairpersonship of Pr. Accountant General and representatives of Punjab DAO's/DA's Association.

Following were present :-

Sr. No.	Association side S/Sh.	Sr. No.	Office side S/Sh.
1.	S. K. Arora, President.	1.	Manmohan Kumar DAG (Works Admn.)
2.	K. K. Jandial, General Secretary.	2.	R. K. Sabharwal S. A O. (Works Admn.)
3.	R. K. Sharma, Ex. President.	3.	Harmed Singh A.A.O. (Works Admn.)
4.	A. K. Arora, Sr. Vice President.		
5.	P. K. Jain, Assistant Secretary.		
6.	B. R. Sehgal, Orgn. Secretary.		
7.	Rajinder Singh, Cashier		
8.	Parkash Ram, Vice President.		
9.	K. L. Arora, Member		
10.	Sunil Kapoor. "		
11.	Sanjeev Katoch "		
12.	Banwari Lal. "		
13.	H. S. Malik. "		
14.	Sita Ram. "		

At the very outset of the meeting on being asked by the chairperson, the members of the Association introduced themselves to the chairperson. Thereafter discussions were held on the following points.

1. Dual signatures on cheques :

The Association informed that the matter has already been much delayed. The Association was informed that necessary reminder to the Chief Secretary has since been issued on 16-11-2001. At this, the chairperson directed the Works Administration to pursue the case with the State Government at personal level so that this demand of the Association be acceded to

2. Specifying extent of checks as internal checker by DAOs. :-

The Association informed that this demand is also having the same fate as demand No. 1 mentioned above. At this, the Principal Accountant General again directed the Works Admn. to take up the issue at personal level with the concerned office of the State Government & stress upon them to concede this demand of the Association.

3. (i) Writing of ACRs by the Inspecting Officers :-

The Association desired to know the final outcome of the reference made to the Hqrs Office on this account. It was intimated to the members that final outcome still awaited. However, the Association was informed that necessary reminder has been

issued to the Hqrs on 22-11-2001 for intimating the decision taken in the matter. At this, the Pr. Accountant General asked the Works Admn. to discuss issue with the Hqrs office at personal levels.

(ii) Non-writing of ACRs by Executive Engineers :-

The Association was informed that matter has already been taken up with the State Government and the reminder has been issued on 27-11-2001.

4. Allotment of Room to the Association in Accountant General's Office :-

The Association was informed that approval of the Principal Accountant General for the construction of the Association Room on the 2nd Floor has already been obtained and the room will be ready shortly. The Association thanked the chairperson for accepting the demand.

5. Earmarking of Government Accommodation in Accountant General's colony for DAOs/DAs :-

The Association requested the chairperson to allot at least one quarter to the DAOs/DAs posted at Mohali & Chandigarh in AG's colony. The Estate Cell has informed that DAs working in the Punjab State are not eligible for allotment in the A.G. colony w.r.t. the present set up of the rules. However, it was agreed upon to make a reference to the CAG's office for relaxation of rules in case of DAO's/DAs posted at Mohali and Chandigarh through Estate Cell.

6. Credit of GPF of DAOs/DAs :-

The Association was informed that reference was made to the CAG of India for extension of date of receipt of Bank Draft but reply was still awaited and necessary reminder has been issued on 22-11-2001. The Association demanded that their case for relaxation of the date of submission of Bank Drafts as allowed in the case of persons on deputation be taken with the Headquarter. It was agreed to make a reference to the Hqrs on these lines.

7. Filling up of vacant posts :-

The Association was informed that a reference was being made to the CAG's office for according approval of conducting IRE by this office.

It was also agreed upon to consider the cases of extension of deputation where the requisition for extension was received well in time. No extension will be given in case request is received after the expiry of the term or the nick of expiry of the term.

8. Training Programme :-

The Association was informed that necessary proposal for including certain training courses for DAs/DAOs at RTI's has been sent to Admn. for onward transmission to the RTI's.

9. In house computer training :-

The Association requested the chairperson to conduct regular batches for in

house computer training. The Pr. Accountant General asked the Works Admn. to take up the matter with EDP (A/cs) for conducting regular in house training for the DA's/DAO's.

10. Misc. items :-

The Association requested the chairperson to take up the matter with State Government for the creation of posts of DA's in Panchayati Raj and Elect. Divisions where the posts have not been sanctioned. The chairperson asked the Works Admn. to take up the matter with the State Government at personal level.

The meeting ended with vote of thanks to the chairperson.

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Extract of proceedings of office council held on 20-11-2000 held under the chair person ship of Pr. Accountant General (A&E) Punjab, Chandigarh.

मंडलीय लेखाकारों संबंधी समस्याएं

(i) मंडलीय लेखाकार व मंडलीय लेखा अधिकारी के नीचे काम करने वाले कर्मचारियों की वार्षिक रिपोर्ट लिखने सम्बन्धी :- मंडलीय लेखाकारों के प्रतिनिधि ने अनुरोध किया कि मंडलीय लेखाकार/लेखा अधिकारी के नीचे जो पंजाब सरकार के अधिकारी काम करते हैं इनकी वार्षिक गोपनीय रिपोर्ट लिखने के लिए इन्हें सक्षम अधिकारी घोषित किया जाए।

(ii) मंडलीय लेखाकारों के मान्यता प्राप्त संघ को कार्यालय परिसर में कक्ष देने हेतु :- प्रतिनिधि ने प्रार्थना की कि मंडलीय लेखा अधिकारी/लेखाकारों के मान्यता प्राप्त संघ को एक कक्ष उपलब्ध करवाया जा सके। प्रधान महालेखाकार ने आदेश दिये कि इस मान्यता प्राप्त संघ को 17-फेस बिल्डिंग में एक कक्ष उपलब्ध करवाने हेतु प्रस्ताव प्रस्तुत करें।

(iii) मंडलीय लेखाकारों को आडिट कालोनी में आवास देने हेतु प्रतिनिधि ने प्रार्थना की कि मंडलीय लेखाकारों के लिए आडिट कालोनी में आवास देने का प्रावधान किया जाए ताकि वो अपने परिवार को एक स्थान पर स्थाई तौर से रख सकें। इस संबंध में बताया गया कि आडिट कालोनी में आवास केवल उन्हीं कर्मचारियों को दिया जा सकता है जो कि आवास के अलाटमेंट संबंधी नियमों के अनुसार योग्य कार्यालय में कार्यरत है। प्रधान महालेखाकार ने नियमों के अनुसार मंडलीय लेखाकारों को इस मांग पर कोई भी कार्यवाही न करने का निर्णय लिया।

(iv) मंडलीय लेखा अधिकारी/लेखाकारों के लिए पंजाब सरकार के मंडलीय स्थानों पर इनके स्तर के अनुसार आवास उपलब्ध करवाने हेतु प्रतिनिधि ने प्रार्थना की। प्रधान महालेखाकार ने इस मामले में आदेश दिये कि उप महालेखाकार इस मामले में पंजाब सरकार के आवश्यक कार्यवाही करने के लिए एक प्रस्ताव प्रस्तुत करेंगे

(v) सी. जी. ई. आई. एच. के लेखा संबंधी : प्रतिनिधि ने प्रार्थना की कि गरूप इंशोरेंस के रख रखाव में कोई नियमित कार्यवाही नहीं हो रही है जिसके फलस्वरूप मंडलीय लेखाकारों को प्रतिवर्ष कोई भी जानकारी नहीं भेजी जाती। उप महालेखाकार वर्कस प्रशासना ने सुझाव दिया कि मंडलीय लेखाकारों को इस सम्बन्ध में एक पास बुक जारी करने पर विचार किया जा रहा है। प्रधान महालेखाकार ने इस सुझाव से सहमति प्रकट करते हुए इसे कार्यात्मक रूप देने का प्रस्ताव प्रस्तुत करने के आदेश दिये।

मंडलीय लेखाकारों ने 'ख' श्रेणी के लेखाकारों के लिए गरूप इंशोरेंस की कटौती को 60/- प्रतिमास करने का अनुरोध किया। उप महालेखाकार वर्कस प्रशासना ने बताया कि इस आशय के आदेश पहले ही मुख्यालय से स्पष्टीकरण लेने ऊपर ऊपरान्त जारी कर दिये हैं।

बैठक प्रधान महालेखाकार के प्रति आभार व धन्यावाद व्यक्त करते हुए संपन्न हुई।

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(ਪ੍ਰੋ: ਅਮਰੀਕ ਸਿੰਘ ਸਭਰਾ)

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ਨੋਟ :- ਕੰਪਰੇਸ਼ਰ ਦਾ ਖਾਸ ਪ੍ਰਬੰਧ ਹੈ ।

1

No. 1/12/97-ESTT. (PAY-I)

GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(DEPARTMENT OF PERSONNEL AND TRAINING)

New Delhi, the 23th April, 1999

Office Memorandum

Sub : Option of date for fixation of pay on promotion-regarding.

The undersigned is directed to invite a reference to the clause of FR.22(I)(a)(1) on the subject mentioned above which provides that when a Central Govt. Employee is promoted to next higher grade or post where pay has to be fixed under the provisions of F.R. 22.1(a)(1), he may be given option for fixation of his pay as under :

(a) either his initial pay may be fixed in the higher post on the basis of F.R. 22 I(a) (1) straightway without any further review on accrual of increment in the pay scale of the lower post, or

(b) his pay on promotion may be fixed initially at the stage on a time scale of the new post above the pay in the lower post, which may be re-fixed on the basis of the provisions of F.R. 22(I)(a)(1) on the date of accrual of next increment in the scale of the lower post.

2. References have been received from various Ministries/Departments regarding applicability of the above provisions in the cases of employees who had been promoted before the 1st January, 1996 and who had exercised option as at (b) above, for fixation of their pay on promotion and in whose cases the date of next increments in the lower scales (both pre-revised and revised) fell on or after 1st January, 1996. The matter has been carefully examined and the President is pleased to decide as follows :

(i) On 1st January, 1996, the pay of such Govt. servants may be fixed in the promoted post with reference to pay that had been fixed at the time of promotion initially at the stage on time scale of new post above the pay in the lower post or from which he has been promoted on regular basis. They will be allowed to draw that pay in the revised scales w.e.f. 1st January, 1996.

(ii) their notional pay in the lower posts in the revised scales may also be fixed as on 1st January, 1996 from the dates of accrual of the next increment in the revised scale in the lower post, their pay in the promoted post may be re-fixed on the basis of provisions of F.R. 22.1(a)(1).

(iii) in the promoted post, they will draw their next increments on completion of one year from the date the pay was re-fixed under (ii) supra subject to the satisfaction of other conditions.

3. The question as to whether the Government servants promoted before 1st January, 1996 should be given another opportunity to give fresh option to get their pay fixed

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in the promoted post in view of the introduction of revised pay scales w.e.f. 1st January, 1996 has also been considered and it has been decided that the employees promoted after 1-1-1995 but before 1st January, 1996 and whose date of next increment in the lower posts falls on or after 1st January, 1996 may be allowed another option to get their pay fixed in the promoted post under F.R. 22.(I)(a)(1) either from the date of promotion or from the date of next increment in the lower post falling on or after 1st January, 1996.

4. Option in terms of para 3 shall be exercised within a period of three months in case of officers who have been promoted on or after 1st January, 1996 till the date of issue of these orders. In case of promotions after the date of issue of these orders, option shall be given within one month of the date of promotion. Option once exercised shall be final.

5. In so far as their application to the employees belonging to the Indian Audit and Accounts Department is concerned, these orders issue in consultation with the Comptroller & Auditor General of India.

6. Ministry of Finance etc. are requested to bring the above decision to the notice of all concerned.

(J.Wilson)

Deputy Secretary to the Govt. of India.

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F.NO. 6(39)/98-IC-II

GOVERNMENT OF INDIA, MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE (IMPLEMENTATION CELL)

New Delhi, Dated 6th July, 1999

**Sub : Incentive for promoting small family Norms among
Central Government employees - Recommendations of the
Fifth Central Pay Commission**

1. According to the provisions contained in the Ministry's Office Memorandum No. 7(39)-E.III/79 dated December 4, 1979, Central Government Employees who undergo sterilization were entitled to a special increment in the form of Personal Pay not to be absorbed in future increases in pay. The rate of increment was equal to the amount of the next increment due at the time of grant of the incentive and was to remain fixed during the entire service.
2. Consequent upon the revision of pay scales with effect from January 1, 1986 based on the recommendations of the Fourth Central Pay Commission, orders were issued in this Ministry's Office Memorandum No. 7(60)/E.III/86 dated February 9, 1987 to the effect that the rate of Personal Pay shall be an amount equivalent to the lowest rate of increment in the revised pay scales corresponding to the pay scale of the post against which an individual had initially earned the Personal Pay for adopting small family norms in the pre-revised scales of pay.

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3. The recommendations of the Fifth Central Pay Commission on incentives for adopting small family norms contained in paragraphs 109.10 to 109.15 of their Report have been carefully considered by the Government. In partial modification of the provisions contained in the Ministry's Office Memorandum No. 7(39)-E.III/79 dated December 4, 1979, as amended from time to time, the President is now pleased to decide as follows :

- (a) The Special Increment presently admissible in the form of Personal Pay to the Central Government employees who had undergone sterilization prior to January 1, 1996 and were drawing pay in the pre-revised pay scales shall be revised so as to be equivalent to the lowest rate of increment applicable in the relevant revised scales of pay corresponding to the pay scale of the post against which the employee concerned had initially earned the Personal Pay in the applicable pre-revised scale of pay.
- (b) Such of those Central Government employees who had undergone sterilization after January 1, 1996 and had opted to come over to the revised scales of pay shall be entitled to the Special Increment equal to the rate of increment in the revised scales of pay applicable at the time of undergoing sterilization.
- (c) Employees who had opted to retain the pre-revised scales of the pay shall, however, be entitled to the Special Increment only at the lowest rate of increment applicable in the relevant pre-revised scale of pay. This will be revised so as to correspond to the lowest rate of increment in the applicable revised pay scale only on their switching over to the revised scales.
- (d) The Personal Pay shall henceforth be termed as Family Planning Allowance.
- (e) The Family Planning Allowance for adoption of small family norms shall be admissible in future only to those Central government employees with not more than two surviving children.

4. All other terms and conditions governing the grant of this incentive shall continue to be applicable.
5. These orders will be effective from the date an employees draws pay in the revised scales of pay applicable in terms of the Central Civil Services (Revised Pay) Rules, 1997.
6. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation, with the Comptroller and Auditor General of India.
7. Hindi version will follow :

(N. Sunder Rajan)

Joint Secretary to the Government of India

All Ministries and Departments of the Government of India

(As per Standard Mailing List with the usual number of spare copies)

3

D.O. NO. 64-NGE (JCM)/96-97
Office of the Comptroller & Auditor General of India
10, Bahadur Shah Zafar Marg, New Delhi-110 002

Date : 03-02-1998

To,

- (i) All the Heads of Offices in the IA & AD.
- (ii) Director (P), A.C. (C), A.C. (P),
- (iii) OE & Admn., CA.I, NGE (Entt.), Two Copies, BRS, Sections.

Sub : Issue of identity cards to the staff on their retirement.

Sir/Madam,

In continuation of this office circular No. 40-NGE (JCM)/96-97 dated 22-1-98 on the subject cited above I am to state that identity cards to the staff, on their retirement, may be issued in Diglot (Hindi-English) instead of only in English Language. A sample in this regard is enclosed for information and guidance.

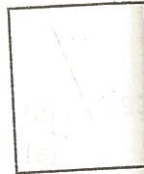
Yours faithfully,

(Gargi Malhotra)

Assistant Comptroller and
Auditor General (N)

Encl. 1

Sample for issue of Identity Cards to officers
Retiring From Headquarter's Office
का कार्यालय, नई दिल्ली
Office of the Comptroller and Auditor
General of India, New Delhi,



प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी जिनकी
फोटो यहां लगी है, भारत के नियंत्रक-महालेखापरीक्षक का कार्यालय नई दिल्ली से
पद से यहां लगी है, भारत के नियंत्रक-महालेखापरीक्षक का कार्यालय नई दिल्ली से
पद से दिनांक को सरकारी सेवा से सेवा निवृत्त हो गए/गई। उन्होंने दिनांक
से तक कुल वर्ष
महीने सेवा की है।

Certified that Shri/Smt/Kumari
Whose photograph is affixed herein retired from Govt. Service w.e.f.
..... from the office of the C.A.G. of India, New Delhi, He/She rendered to
service of Yrs. months to
निदेशक (का.)
Director (P)

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
(Department of Health)

No. B-12012/1/2001-CGHS(P)

Dated 15-03-2001

OFFICE MEMORANDUM

Sub : 41 meeting of the National Council (JCM) - item No. 7 of Agenda - CGHS coverage to retired Divisional Accountants Regarding :

The undersigned is directed to refer to the Dept. of Personnel & Training's D.O. letter No. 3/3/2001-JCA dated 20-2-2001 on the subject mentioned above and to state that this Ministry has decided to extend CGHS facility to the retired Divisional Accountants of the Indian Audit and Accounts Dept. in cities covered under CGHS since they draw their pensions from the Civil Estimates of the Central Govt.

2. This issues with the concurrence of Finance Department vide their dy. No. 1370/2001-JS(FA) Dated 5-3-2001.

(B.B. Bhattacharjee)

Under Secretary to the Govt. of India

OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA
NEW DELHI

Circular No. 13 NGE/2001 No. 190 NGE(App.)/3-2000/KW

Dated 19-02-2001

To,

1. All the Heads of Offices in IA & AD
(Except overseas Audit Offices)
2. Dy. Director (P)/AC/(C)/AC(P)/Director (Exam.)
3. GE-I/GE-II/OE&Bills/C.A.I./NGE (Entt.)

Sub. : Determination of relaxed standard for SC/ST candidates in the Departmental Examinations.

Sir/Madam,

In pursuance of the instructions contained in the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training's OM No. 36012/23/96-Estt (Res.) - Vol. - II dated 03-10-2000, it has been decided to restore the relaxations, concessions in the matter of promotion/confirmation in Group "C" & "D" cadres for candidates belonging to Scheduled Castes and Scheduled Tribes by way of lower qualifying marks that existed prior to coming into being of this office Circular No. 40/NGE/

1996 issued vide Headquarters letter No. 1720-NGE (App.)/3-96 dated 23-12-1996.

2. These orders shall take effect in respect of departmental examinations held on or after 03-10-2000.
3. Hindi version will follow.

Yours faithfully

(Meera Swarup)

Asstt. Comptroller & Auditor General (N)

NGE Group Circular No. N/28/2001

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OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA

New Delhi

Dated : 11-04-2001

NGE Group Circular No. N/20/2001
No. 137-NGE(JCM)/47-97

To,

1. All the Heads of Offices in IA & AD
(Except overseas Audit Offices abroad)
2. Dy. Director (P), AC(P), AC(C)
3. OE & Admn., GE-I, GE-II, CA-I Sections.

Sub : Procedure for holding elections.

Sir/Madam,

Attention is invited to the guidelines contained in S.No. (II) of the Govt. of India DOPT. U.O. No. 2/5/94-JCA dated 29-7-1994, enclosed with this office circular No. 295 NGE(JCM)/40-94/I dated 17-4-1995, for holding elections. The guidelines envisage inter alia that elections should be conducted by Associations themselves and the Government Departments should not in any manner associate with the election process. However, if requested by the associations an official may be deputed to function as an observer.

2. The above mentioned instructions for holding elections may be scrupulously followed as and when such occasion arises.

3. Hindi version of this circular follows :

Yours faithfully,

(Meera Swarup)

Asstt. Comptroller & Auditor General (N)

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7

G.I. Dir. of Estates O.M.

No. D-11028/23/82-Regions, dated 15-1-1992

Rules/procedure for allotment of accommodation in the Touring Officers Hostels/Holiday Homes

In supersession of all previous instructions on the subject cited above, the Director of Estate keeping in view the recommendations made by the Committee on Subordinate Legislation of the Rajya Sabha, hereby makes the following rules regarding the procedure for allotment of accommodation in the Central Government Touring Officers Hostels/the Holiday Homes. These will take effect from 1-2-1992.

A. Central Government Touring Officers Hostels.—These provide lodging facility and would primarily cater to the needs of the Members of the Parliament and the Touring Central Government employees.

The Central Government employees on leave, employees of the State Government/ Public Sector/Autonomous Organisations whether on tour or leave, Private persons accompanying MP's/Central Government employees and the retired Central Government employees can also avail of the facilities subject to availability. In their cases, however, no advance booking/reservation will be made.

B. Holiday Homes.—These would provide lodging facilities to all categories of persons referred to above.

C Conditions for the reservation and procedure thereof both for Touring Officers Hostels and the Holiday Homes.

I. Period of stay.—Accommodation would be provided for a period not exceeding ten days. In exceptional cases, the accommodation in excess of ten days and up to a total of twenty days would be permitted with the prior written approval of the Deputy Director concerned in the Directorate of Estates, New Delhi, who where necessary would obtain orders of the Director of Estates.

II. Charges for the stay —The amount as per the rate shown in Annexure B will be payable in advance. The retired Government employees will be charged at the rates applicable to the private persons for their stay in the Touring Officer's Hostel. As for the Holiday Home at Kanyakumari, they will be equated with serving Central Government employees. In case of the Holiday Home at Shimla also they will be provided this concession except during the period April 14 to July 15 every year when they will be charged as private persons.

These rates shall be applicable till 31st December, 1994 and will also be applicable in respect of such Government Touring Officers Hostels/Holiday Homes as may be added in future.

III. Other terms and conditions.—

- (a) Only one room/suite would be booked for a person/family, additional room in exceptional cases on payment of charges for private persons may be considered.

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- (b) Cooking of food, preparation of tea, in the suite/room would not be permitted unless arrangement exists in the room(s) provided.
- (c) No unauthorised person(s) will be allowed to stay with or visit the person(s) provided with accommodation in the Hostel after 10.00 p.m.

IV. Advance Booking.—

(a) Training Officers Hostels—No advance booking will be made for the categories of eligible person except the Members of the Parliament & the Central Government employees who are required to proceed on official tour and need accommodation in Central Government touring officers Hostels. They may apply for the facility not exceeding 30 days in advance, giving necessary details.

(b) Holiday Home.—Reservations for the accommodation in the Holiday Homes at Shimla & Kanyakumari will be made on the basis of "First come first served". All requests in this regard should be made in the prescribed format-Annexures C and D. These prescribed application Forms, duly filled in, should be submitted to the authorities as per details therein. No reservation will be made unless the application is complete and accompanied by the Bank Draft for the full amount of charges for the proposed stay. Applications will be accepted not more than 60 days—in advance except for the period from 15th April—15th July every year when the applications will be accepted starting from 1st March onwards only.

V. Details of Touring Officers Hostels/Holiday Homes.—The places where the Central Government Touring Officers Hostels/Holiday Homes exist, accommodation available and the authorities to be contacted in this regard are detailed in Annexure A

In emergent cases, however, the requests from the Members of Parliament proceeding to Calcutta, Bombay, Madras, Lucknow and the Holiday Homes at Shimla may also be accepted by the Director of Estates, Nirman Bhavan, New Delhi. In cases of inadequate demand from them, the Senior Central Government officers can be considered for booking for their stay in these places, but the decision by the Director of Estates will be taken not more than three days in advance.

VI. Miscellaneous.—Complaints, if any, may be made to the Estate Manager/Assistant Estate Manager/Executive Engineer concerned who will be personally responsible ensuring proper upkeep and maintenance of the accommodation in the Hostels/Holiday Homes.

ANNEXURE A

Details of Touring Officers Hostels/Holiday Homes

Location	Accommodation available	To whom request is to be sent
A. Officers Hostels :		

1. Nizam Palace, Calcutta	Single/Double bed suites; Single room with common bath	1. Estate Manager, 5, Esplanade Street, Calcutta (For MPs and Sr. Government Officers)
2. (a) Churchgate (Old) CGO Building Bombay (b) Napean Sea Road. Bombay	Single/Double suites, rooms; and Dormitories	2. Superintending Engineer (HQ), Office of Chief Engineer, (EZ), CPWD, 234/C, Acharya J.C. Bose Road, Calcutta. Estate Manager, Pratishtha Bhavan (Old CGO Building) 101, M.K. Road, Bombay-20.
3. Shastri Bhavan, Madras	Two bedded suites; and Dormitories.	Asstt. Estate Manager, 1st Floor, Shastri Bhavan, 26, Haddows Road, Madras.
4. Domlur, Bangalore.	Single/Double rooms	Executive Engineer, Bangalore Central Circle I, CPWD, II Main Road, Vyalikaval, Bangalore.
5. Belair (Punkular) Trivandrum	Double bedded rooms	Executive Engineer, Trivandrum, Central Division, CPWD, Govallore Building, Thiruvananthapuram, Trivandrum.
6. Kendrachal Colony Sector-K, Aliganj, Lucknow	Double bedded rooms	Executive Engineer, Lucknow Central Division, Aliganj Scheme, Lucknow (UP).
B. Holiday Homes :		
1. Grand Hotel, Shimla	Single/Dobble/Four bedded suites	Asstt. Estate Manager, Grand Hotel, Shimla.
2. Kanyakumari	Double/3 bedded (deluxe) suites	Asstt. Director of Estates (Regions), Directorate of Estates, Room No. 411-C, Nirman Bhavan, New Delhi. or Estate Manager, Calcutta, (Asstt Estate Manager Madras/ Executive/Engineer, Trivandrum.

ANNEXURE B

Rates with effect from 1-2-1992

Category of accommodation	Saving Central	Serving Central	State/PSU, etc., emp-	State/PSU, etc./Private	Persons accompany-
---------------------------	----------------	-----------------	-----------------------	-------------------------	--------------------

1	Government employees on duty, MPs	Government employees on leave	Employees on duty	Employees on leave	Employees on leave	Employees on leave
	2	3	4	5	6	Rs.
A. Central Government Touring Officers' Hostels						
Single bed		Rs. 10	Rs. 15	Rs. 15	Rs. 30	Rs. 60
Double bed suite		20	30	30	60	120
Dormitory/PA's room		5	10	10	20	40
						per bed
B. Holiday Homes						
Single bed suite		15	15	40	40	70
Double bed suite		20	20	60	60	100
*Three bed (Deluxe)/		30	30	90	90	150
Four bed suite						

*Available at Kanyakumari.

NOTE.—In addition, charges @ Rs 2 per bed per day for geyser and Rs. 10 for AC per day, where available will be charged. Also in Shimla, blankets will be provided @ Rs, 1-50 per blanket per day.

ANNEXURE C

Application for advance reservation of accommodation in Grand Hotel (Holiday Home), Shimla.

- Name of MP/Officer/Tourist (in Block letters)
- Designation and Department/Ministry to which attached (Personal No. Rank and Parent Units should be indicated by Detence Service Officer)
- (a) Complete Postal address to which communication is to be sent
(b) Permanent Address
- (a) Period for which accommodation is required (Not exceeding 10 days)
(b) Details of family members/guest(s)
- Accommodation required single/double/four bed suites
- Details of money deposited (give details of Bank Draft)

DECLARATION

A. I certify that the accommodation asked for in the Grand Hotel, Shimla, will be occupied by me or my family members. I undertake to vacate the accommodation on and will not overstay, without prior written permission of Directorate of Estates, New Delhi, failing which I will be liable to pay market rate of licence fees as damages and other legal action, etc.

B I shall not claim refund in case the accommodation booked is not utilised by me.

C. I certify that the information given above is correct and that nothing has been concealed. I shall also abide by the Rules and orders governing this allotment.

D. I undertake to take meals if arrangements so exist or to pay the service charges as per Government order directly to the caterers.

Place :

Date :

Signature

The charges for accommodation per day are as under—

Description of rooms	From Central Government employees	Employees of State Govt./or Public Sector Undertakings/Government companies	For private persons (accompanying as Guests of MP; Central Government servant
1	2	3	4
	Rs.	Rs.	Rs.
Single bed suites	15	40	70
Double bed suites	20	60	100
Four bed suites	30	90	150

Application for reservation should be accompanied by Bank Draft covering full amount drawn in favour of Asstt. Estate Manager, Grand Hotel, Shimla and should be sent directly to him (i.e., Asstt. Estate Manager, Grand Hotel, Shimla).

Application for reservation in Holiday Home, Shimla, during the season period of 15th April to 15th July are entertained in Asstt. Estate Manager, Shimla's office only w e f. last March onwards & reservation is made on first come first served basis; for the other periods, applications will be entertained not more than two months in advance

To be filled in by the Administrative Officers

No.....

Dated.....

Forwarded to the Asstt. Estate Manager, Grand Hotel, Shimla. It is certified that Shri/Smt./Kum. is an employee of the Central Government/State Government/UT/PSU/ Autonomous Body.

Signature

Office Seal

ANNEXURE D

Application for allotment of accommodation in the Holiday Home at Vivekanandapuram, Kanyakumari.

- Name of the Officer (in Capital letters) with designation and official address (with Telephone number)
- Residential/Postal Address
- Details of family members/guest(s)
- Accommodation required

5. Period for which accommodation is required (indicate dates) not exceeding ten days
6. Amount of money deposited (give details of Bank Draft)
7. Declaration.—I certify that the accommodation requested for will be occupied by me and my family members. I undertake to abide by the discipline of Vivekananda Kendra. I shall not claim refund in case the accommodation booked is not utilised by me.

Signature of the Officer

Date

(The reservation can be made with any of the following Officer)

	Number of suites available	
1. Asstt. Director of Estates, (Regions Room No 411-C Wing, Norman Bhavan, New Delhi-110011.	Two 3-bed deluxe suites and 2 bed suite	Applications for reservation will be received not more than two months in advance.
2. The Estate Manager, 5, Esplanade East, Calcutta - 69.	One 2 bed suite	
3. The Asstt. Estate Manager, 1st Floor, Shastri Bhavan, 26, Haddows Road, Madras - 6.	One 2 bed suite	
4. The Executive Engineer, Trivandrum Central Division CPWD, Trivandrum - 4.	One 2 bed suite	

The application should be accompanied by Bank Draft drawn in favour of the Asstt. Director of Estates (Cash) covering the charges for accommodation only if reservation is to be made with (E). In case reservation is to be made with any of the officers mentioned at (2) to (4), the Bank Draft should be drawn in favour of that officer.

The charges for accommodation per day are as under—

	2 bed suite	3 bed Deluxe suite
For Central Government employees and pensioners	Rs. 20	Rs. 30
For employees of State Government/Public Sector Undertakings, Autonomous Bodies under Central Govt.	Rs. 60	Rs. 90

Charges for additional persons are payable direct to the Campus-in-Charge, Vivekananda Kendra, Kanyakumari. at the rate fixed by them from time to time.

(To be filled in by the Administrative Officer)

No..... Dated.....

Forwarded to the..... It is certified that particulars given by Shri/Smt./Kum...../are correct. He/She is an employee of the Central Government/State Government Undertakings/Public Sector Undertakings/Autonomous Body.

Signature

Office Seal

G.I., Dte. of Estates, O.M. No. D-11028/16/87-Regions, dated 13-2-98

Holiday Home at Mysore

1. A Holiday Home in Mysore, Karnataka has since started functioning under the Control of the Directorate of Estates.
2. The Holiday Home has 12 rooms of double bed each. The accommodation can be booked by sending a request on prescribed Pro forma (enclosed) to the Executive Engineer, Mysore Central Division, CPWD, Mysore. The application should be accompanied by a Bank Draft covering the full amount, drawn in favour of the Executive Engineer, Mysore Central Division, CPWD, Mysore.
3. It is requested that wide publicity regarding this facility may please be given to all the employees in various Ministries, Departments and the various Attached/Subordinate Offices, Autonomous Bodies and Public Sector Undertakings under the Control of all Ministries to achieve optimum use of the Holiday Home

ENCLOSURE

APPLICATION FOR ADVANCE RESERVATION OF ACCOMMODATION IN HOLIDAY HOME, AT MYSORE.

1. Name of MP/Officer/Tourist (in Block Letters)
2. Designation & Department/Ministry to which attached (Personnel No. Rank & Parent Units should be indicated by Defence Service Officer)
3. (a) Complete postal address to which communication is to be sent.
(b) Permanent address.
4. (a) Period for which accommodation is required (Not exceeding 10 days).
(b) Details of family members/guests.
5. Accommodation required Single/Double/Four bed suites/ 3 bedded.
6. Details of money deposited (give details of Bank Draft).

DECLARATION

(A) I certify that the accommodation asked for in the Holiday Home, Mysore will be occupied by me or my family members. I undertake to vacate the accommodation on.....and will not, overstay without prior written permission of the competent authority, failing which I will be liable to pay market rate of licence fee as damages and other legal action, etc.

(B) I shall not claim refund in case the accommodation booked is not utilized by me.

(C) I certify that the information given above is correct and that nothing has been concealed. I shall also abide by the Rules and orders governing this allotment.

(D) I undertake to take meals if arrangements so exist or to pay the service charges as per Government order directly to the caterer.

Place :

Date :

Signature

GENERAL INSTRUCTIONS

The charges for accommodation per day are as under :-

Description of rooms.	From Central Government Employees/M.Ps.	Employees of State Govt /Public Sector Undertakings/Govt. Companies.	From private persons (accompanying guests of M.Ps./Govt. servants).
Double bed suite	Rs 30	Rs 80	Rs 130

In addition, charges @ Rs. 2.50 per day per bed for gyser and Rs. 13 per day for A.C. wherever provided will also be recovered,

Application for reservation should be accompanied by Bank Draft covering full amount drawn in favour of Executive Engineer, Mysore Central Division, CPWD, Mysore and should be sent directly to him.

Reservation is made on first come first served basis. The applications will not be entertained more than two months in advance

TO BE FILLED IN BY THE ADMINISTRATIVE OFFICE

Dated ;

Forwarded to the Executive Engineer, Mysore Central Division, CPWD, Nirman Bhavan, T. Narasipura Road, Sidharatha Nagar Layout, Mysore - 570 011.

It is certified that Shri/Smt /Kum..... is an employee of the Central Government/State Government/U.P./PSU/Autonomous Body.

Signature :

Office Seal :

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G.I , Directorates of Estates, O.M. No. D-11028/15/99-Regions, dated 11-1-2000

Touring Officers' Hostel at Bangalore

A Touring Officer's Hostel named Visvesvaraya Guest House at 17th Main, II Block, Koramangala, behind Kendriya Sadan, Bangalore, with 39 double bed rooms has since started functioning under the control of this Directorate/CPWD.

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2. This Hostel provides lodging facilities and would primarily cater to the needs of the Members of Parliament and the Touring Central Government employees. However, the Central Government employees on leave, employees of the State Government/ Public Sector Undertakings, whether on tour or on leave, private persons accompanying M.Ps./Central Government employees can also avail the facilities subject to availability. In their cases, however, no advance booking/reservation will be made. The rates of the accommodation as applicable to Central Government and other employees/private persons on duties and on leave, etc., will be as under :-

Category of accommodation	...	Double Bed Room	
Central Government employees on duty/M.Ps.	...		Rs. 30
Central Government employees on leave	Rs. 50
State/PSU, etc., employees on duty	Rs. 50
State/PSU, etc., employees on leave	Rs. 100
Private persons accompanying as guest of Government servants/M.Ps.	Rs. 195

3. The accommodation can be booked by sending request on plain paper, not more than 30 days before the actual date of booking, to the Executive Engineer, Bangalore Central Division No. II, 'C' Wing, II Floor, Kendriya Sadan, Koramangala, Bangalore - 560 034.

4. It is requested that wide publicity regarding this facility may be given to all employees in various Ministries/Departments and their Attached/Subordinate Offices, Autonomous Bodies, to achieve optimum use of the Guest House.

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Copy of A.G. (A&E) Punjab, Chandigarh Memo No. W-Admn/DA/ Association/91-92/3206-08 dt. 21/2/92 to the address of

1. The Chief Engineer, Irrigation Department Punjab, Chandigarh.
2. The Chief Engineer, P.W.D. B&R Punjab, Patiala.
3. The Chief Engineer, Public Health, Punjab, Patiala.

Sub. i Calling of Divisional Accountants by bell ringing by the Executive Engineers. Sir,

I am to state that the Punjab Divisional Accountants Association have brought to the notice of this office that in some of the Divisions there is a practice of calling the D.A's through bell-ringing by the Executive Engineers. As this practice is evidently not in good taste. I have been directed to request you to kindly issue suitable instructions to all the Divisional Officers for stopping this practice, where it exists, under intimation to this office.

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OFFICE OF THE ACCOUNTANT GENERAL, PUNJAB, CHANDIGARH-160017.

(WORKS WING)

No. WAD-V/DA/Asson/82-83/2504 Dated 19-1-1983.

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To,

The Chief Engineer, Public Health Branch, B&R Branch, Irrigation Works, Punjab.
Sub. :- Supply of brief cases to the Divisional Accountants.

Sir,

The undersigned as appointing authority and cadre controlling authority of the Divisional Accountants has arrived at a conclusion that possession of a brief case by the Divisional Accountants is essential for the efficient discharge of official duties. Consequently, it has been decided, as a matter of general practice, that brief cases should be supplied to all the Divisional Accountants for official use.

Field officers may kindly be intimated of this decision.

Your faithfully,

Sd/-

(Raghbir Singh)

Senior Deputy Accountant
General (Works)

12

G.I., Min. of Health & F.W., O.M. No S. 14020/5/92-MS,
dated 28-9-1992

**Clarification on reimbursement of medical expenses for treatment
taken at private hospital in emergency**

The undersigned is directed to say that in the Standing Committee (JGM) Meeting held on 2-4-1992 vide item No 64-Medical Treatment, the Staff Side desired that orders may be issued for clarifying the position that the orders already exist for the relaxation of the conditions for reimbursement of the medical expenditure where treatment was taken in as emergency from private hospital, as in many of the departments the claims are rejected even without forwarding them to the Health Ministry for relaxation.

2. It is, therefore, brought to the notice of all Ministries/Departments, etc., that the Ministry of Health and Family Welfare vide O.Ms No S 14012/5/75-MC (MS), dated 23-2-77 and 7-5-79 and further clarified vide O.M. dated 18-6-1982, that powers have been delegated to the Heads of the Departments/Ministries to allow reimbursement in respect of treatment obtained in emergency at private hospitals as per the ceiling prescribed in the Annexure to the O.M., dated 23-2-77, without envisaging any ceiling of the total amount to be reimbursed.

3. Further, it is brought to the notice of all concerned that it is provided under the Rule 3 (ii) and Rule 6 (2) (and also vide Government of India Decision (3) below) and Appendix XXII of the Compilation of the CS (MA) Rules, 1944, that the Controlling Officer in the Ministries/Department is fully empowered to reject any medical claim which do not satisfy the genuineness & other requirements under the provisions of the rules without consulting the Ministry of Health and Family Welfare. The cases which

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require clarification of doubt or interpretation or application of the rules or the cases where the Controlling Officer is satisfied that the case justify the relaxation of the rules need only be referred to the Directorate General of Health Services, who, if required, may refer the case to the Ministry of Health and Family Welfare.

4. All Ministries/Departments of the Government of India are requested that the above position may please be brought to the notice of all concerned.

13

G.I., Dept. of Per. & Trg. Lr. No. 11026/1/91-AIS. III,
dated 26-2-1991

**Clarification on entitlement of interest on GPF to subscribers
on deputation**

I am directed to say that the question relating to entitlement of interest on Provident Fund to subscribers while serving on deputation to the Central Government has been examined. It had been pointed out that in certain cases the respective Accountant-General's PPOs are not allowing interest on their accumulation in the GPF for the month in which their subscriptions are deducted from their pay and remitted to them under Demand Draft, etc., when these remittances may have been realised in the following months because of administrative delays or otherwise. It is clarified that according to proviso under sub-rule 3 (a) of Rule 9 of AIS (PF) Rules, 1955, the interest on subscriptions made by subscribers while on deputation to the Central Government shall be payable from the month in which the pay of the subscriber was due under the rules irrespective of the date or month in which it was actually drawn by the Accounts Officers of the concerned States.

14

G.I., Dept. of Per. & Trg. O.M. No. 21011/8/2000-Estt. (A),
dated 25-10-2000

Officer under suspension should not be allowed to write ACRs

The undersigned is directed to refer to this Department's Office Memorandum No 21011/2/78-Estt. (A), dated 1-8-1978 which allows the Reporting/Reviewing Officer under suspension to write/review the ACRs on his subordinates within two months from the date of his suspension or within one month from the date on which the report was due.

2. The policy of the Government has been reviewed in the light of a suggestion received from the Central Vigilance Commission and it has been decided in modification of the above orders that no officer under suspension should be allowed to write/review the ACRs on his subordinates, if during major part of writing/reviewing he is under suspension as he might not have full opportunity to supervise the work of his subordinates.

3. The Ministry of Agriculture and Co-operation, etc., are requested to bring the above decision to the notice of all concerned authorities for compliance and guidance.

17

G.I., Dept. of Per. & Trg., Notfn. No. F. No. 11012/20/1998-Estt. (A),
dated 21-8-2000

Amendment to Rule 15 of CCS (CCA) Rules

G.S.R.....In exercise of the powers conferred by the proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely :—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 2000.

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

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in Rule 15, for sub-rules (1-A), (1-B) and (2), the following sub-rules (2) and (2-A) shall be substituted, namely :—

“(2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the Government servant.

(2-A) The Disciplinary Authority shall consider the representation, if any, submitted by the Government servant & record its findings before proceeding further in the matter as specified in sub-rules (3) and (4)”.

16

G.I., Dept. of Per. & Trg. O.M. No.2/3/2000-Estt. (Pay-II),
dated 15-5-2000

Revised rate of pension contribution for foreign service

The undersigned is directed to invite reference to this Deptt's O.M. No. 2/44/85-Estt. (Pay-II), dated 5-10-1987 on the above subject and to say that according to that order with effect from 1-1-1986, the pension contribution payable in respect of a Government servant during the active period of his foreign service shall be based on the maximum of the pay as defined in Rule 9 (21) (a) (i) of the Fundamental Rule of the pay scale (effective from 1-1-1986) of the post held by a Government servant at the

time of proceeding on foreign service or to which he may receive pro forma promotion while on foreign service.

2. Consequent upon revision of Central Government pay scales with effect from 1-1-1996 and the decision to calculate pension from 1-1-1996 with reference to pay as defined in FR 9 (21) (a) (i), the question of issuing necessary revised orders in this regard has been engaging the attention of the Government of India. The President is now pleased to decide that pension contribution payable in respect of a Government servant during the active period of his foreign service shall be based on the maximum of the pay as defined in Rule 9 (21) (a) (i) of the Fundamental Rule of the revised pay scale of the post held by a Government servant at the time of proceeding on foreign service or to which he may service pro forma promotion while on foreign service.

3. These orders will apply with effect from 1-1-1996. In respect of persons who are already on foreign service as on 1-1-1996, the rates of pension contribution will be calculated as per above formula with effect from the date they opt to come over to the revised scale in their parent cadres. For the earlier period, the pension contributions will be as per extant order, i.e., the orders in force period prior to 1-1-1996 from time to time.

4. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consultation with the Comptroller and Auditor-General of India.

17

G.I., Deptt. of Per. & Trg, O.M. No. 11012/7/99-Estt (A),
dated 20-10-1999

**Disciplinary cases should be closed on the death
of the charged official**

The undersigned is directed to say that this Department has been receiving references seeking clarification whether disciplinary cases initiated against the Government servant under CCS (CCA) Rules, 1965, could be closed in the event of death of the charged officer during pendency of the proceedings. After careful consideration of all the aspects, it has been decided that where a Government servant dies during the pendency of the inquiry i.e. without charges being proved against him, imposition of any of the penalties prescribed under the CCS (CCA) Rules, 1965, would not be justifiable. Therefore, disciplinary proceedings should be closed immediately on the death of the alleged Government servant.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, this issues with the concurrence of the C & AG.

A. G. (A & E), Punjab, Chandigarh Memo No. Works-Admn./D.A O:-D.A.s Association/2000-01/520-30 dated 20/6/2000 addressed to all the Executive Engineers of P.W.D. B&R, Irrigation and Public Health Branches with a copy to the Secretary P.W.D. B&R, Public Health & Irrigation Works, Punjab,, Chandigarh/Chief Engineers, Punjab P. W. D. B&R/Public Health & Irrigation Branches/Financial Adviser & Chief Accounts Officer, RSD Project, Shahpurkandi/BBMB Nagal/Chandigarh/Deputy Financial Adviser & Chief Accounts officer, BBMB Talwara/Sh. S. K. Arora President, House No. 1036, Sector-21, Panchkula/Office order file.

Subject : Pre-auditing of bills affixing rubber stamp thereof by Sr. DAO's/DAOs/DAs.

Presently pre-audit of bills in the P.W. Divisions is being conducted under the rubber-stamp of Executive Engineer and the Divisional Accountant puts his initials below the rubber stamp as a token of pre-audit.

Punjab Divisional Accounts Officers/Divisional Accountants Association has been demanding to allow the Divisional Accountants to put their signatures over their rubber stamp separately while pre-auditing the bills

Competent authority has observed that since the preaudit of bills is done by Divisional Accountants independently, there is no harm if the Divisional Accountants are allowed to put their signatures over the rubber stamp separately while pre-auditing the bills, Rather it would strengthen preaudit more effectively

As such it has been decided to allow the Sr. DAOs/DAOs/DAs to put their signatures over the rubber stamp separately while preauditing the bills.

A. G. (A & E), Punjab Chandigarh Memo No. Works-Admn /94-95/2(1)/Med /3808-4024 dated 13/2/1995 addressed to all the Executive Engineers of Punjab P.W.D. B&R, Public Health and Irrigation Divisions with a copy to Chief Engineers, Punjab PWD B & R/Public Health and Irrigation Branches/Financial Adviser and Chief Accounts Officer, RSD Shahpur Kandi/BBMB Nangal/Chandigarh/All District Treasury Officers of Punjab/President & General Secretary of Punjab DAO-DA's Association/All Senior DAOs/DAOs and Divisional Accountants.

Subject :- Regarding regulation of Medical Attendance Rules in respect of D A.s/ D,A O s

Certain problems have been brought to the notice of this office in processing of medical claims of Divisional Accountants / Divisional Accounts Officers. In supersession of all earlier instructions on the subject, it is now clarified that the Divisional Accountants/Divisional Accounts Officers are regular Central Government Employees (though their charge for payment are debitable to State Government). Unlike the T.A. claims which are to be regulated under the rules of the respective State Government, their medical claims are governed by the Central Services (Medical Attendances Rules).

Under the provisions of Central Services (Medical Attendance Rules) all bills for charges, on account of medical attendance and treatment should be countersigned by the Controlling Authorities who are empowered to countersign the T.A. bills of the Government Servant concerned. Therefore Executive Engineers who are competent to sign the T. A. Bills of the Divisional Accountants/Divisional Accounts Officers automatically become empowered to countersign the claims of the Divisional Accountant for any amounts.

Advances for medical treatment may also be regulated according to the Central Services Medical Attendance Rules as amended from time to time. In this regard latest G.O.I. letter No. 11016/11/92-CGMS(P) dated 29.10.1992 is enclosed.

A copy of Govt. of India, Min. of Health and Family Welfare, N-Delhi OM No. S/ 11016/1/92-CGHS (P) dated 29-10-92 received through CAG of India vide letter No. 495-Audit/72-90/III-92 (91) dated 22-10-92.

OFFICE MEMORANDUM

Subject : Grant of Medical advance to Central Government Employees-Delegation of powers to the Administrative Ministries/Departments Regarding.

The question of decentralising the grant of medical advances to Central Govt. employees has been under consideration of the Government for quite some time past. It has now been decided to delegate the powers to the Administrative Ministries/Departments for grant of Medical advances to serving Central Government employees in respect of treatment for himself and dependent member of his family on receipt of a certificate/estimate from the treating physician of Government/recognised Hospital as follows subject to other terms and conditions of grant of advances :-

- (i) Rs. 10,000/- or the amount recommended by the physician whichever is less for indoor treatment in hospital and out patient treatment for diseases like T.B. Cancer etc.
- (ii) In case of major illnesses like By-Pass Surgery, kidney transplant etc., the advance may be limited to 80% of the package deal wherever it exists or the amount demanded by the Hospital concerned in other cases and the balance payable on final adjustment,

The payment of advance to the Government servant will be subject to the concurrence of the respective integrated Finance Division of the Ministries/Departments concerned. The above advance will be available to the Govt Servants covered under C.S. (MA) rules and extended to CGHS beneficiaries. Each department will open records for monitoring the adjustment of the advance granted to Government servants like other advances.

This order will come into effect from the date of issue.

This issues with the approval of Finance Division Diary No 3912/Fin. II dated : 23-10-92.

A.G. (A&E), Punjab, Chandigarh Memo No. Works-Admn./120/ST/2000-01/3193-94 dated 15-2-2001 addressed to the Excise & Taxation Commissioner, Punjab, Patiala with a copy to the President/General Secretary Punjab D.A.Os./D.As. Association, House No. 1036, Sector-21, Panchkula.

Subject :- Works contracts deduction at source.

Reference i- Your memorandum No. T-8-2000/5218 dated 8-9-2000 on the subject noted above.

Sir,

Vide your memo quoted as reference, the field staff of PWD (B&R) has been directed to deposit the amount of Sales tax being deducted from contractors to the Govt. Treasury instead of book adjustment.

As you are already aware that Sr. DAO/DAO-I/DAO-II/DA are posted in the P.W. Division to safeguard the financial interest of the state & maintain the accuracy of accounts. You are, therefore, requested to get the accounting procedure for the deposit of Sales Tax in cash evolved in order to avoid any complicity and also to maintain uniformity by all the P.W. Divisions in the matter.

The set accounting procedure may please be intimated so that Sr. DAO/DAO/DA may be apprised of the same for further follow up.

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A.G. (A&E) Punjab, Chandigarh Memo No. W-Admn/120/Pb/DAOs/Association 2001-02/631-32 dated 20-6-2001 addressed to the Accounts Officer CRT (Local) with a copy to Sh. S.K. Arora, President Punjab DAOs/DA Association, H. No. 1036, Sector 21, Panchkula.

Subject : Permission to sit and read in the Library.

Punjab Divisional Accounts Officers/Divisional Accountants Association met Deputy Accountant General (Works Admn.) on 11-6-2001 on the subject noted above. They apprised the Group Officer that their members have to come to the office in connection with office work. Sometimes they have to wait and sit in the reception. They want proper utilisation of time. They have sought the permission for seating and reading news papers/periodicals etc. only in the Recreation Club Library.

Keeping in view the request made by the Association, they may be allowed to sit and read news papers/periodicals only, in the Recreation Club Library during the the period when library is open.

This issues with the approval of Deputy Accountant General (Works Admn.).

G.I., M F., O.M., No. 19018/1/E. IV/4001, dated 26-2-2001

No Composite Transfer Grant if no change of residence is involved

The undersigned is directed to refer to this Department's O.M. No. F. No. 10/2/98-IC, and No. 19030/2/97-E IV, dated 17-4-1998 and to say that certain doubts have been raised in regard to the admissibility of Composite Transfer Grant to the Government servants transferred from one station to other, where the distance between the two stations is more than 20 kms, but there is no change of residence involved. It is hereby clarified that no Transfer Grant is to be allowed where no change of residence is involved. Cases already settled otherwise may be reviewed and wherever Composite Transfer Grant has been wrongly allowed, the same may be recovered.

2. In so far as persons serving in the IA & AD are concerned, this issues in consultation with the C & AG of India.

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G.I., Dept. of Per. & Trg., O.M. No. 31011/11/200-Estt. (A),

dated 23-4-2001

Both PNR No. and Ticket No should be furnished in LTC claims

The undersigned is directed to say that the existing instructions contained in the Department of Personnel and Administrative Reforms O.M. No. F. 31011/11/79-Estt. (A), dated 6th March, 1981, inter alia, stipulate that where LTC advance has been drawn, the Government servant should produce Railway tickets within ten days of the drawal of advance to the Competent Authority to show that he has actually utilized the amount to purchase the ticket(s). In case where no advance has been drawn, it will be sufficient if the Government servant indicates the ticket numbers in his claim. The matter has been reviewed following the introduction of computerized booking system by the Ministry of Railway. Indian Railways maintain the records of ticket booking with reference to PNR No. indicated in the ticket & as such Indian Railways have expressed their inconvenience in furnishing verification certificate on the basis of Ticket No. to the Controlling Authorities who made references in the case of doubt about the claim. It has, therefore, now been decided that hitherto all the Government servants should indicate the PNR No. in their LTC claims in addition to ticket No.

2. The instructions contained in the DoP & AR O.M. No. F. 31011/11/79-Estt. (A), dated 6-3-1981 are modified to the extent mentioned in Para 1 above.

3. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions issue in consultation with the Comptroller and Auditor General of India.

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G.I., Dept. of Per. & Trg., O.M. No. 31011/3/2001-Estt. (A),

dated 2-3-2001

LTC suspended for 2 years from 2-3-2001

Pursuant to the Finance Minister's announcement relating to facility of LTC to

Central Government employees, in the Parliament on 28th February, 2001, while presenting Central Government's Budget for 2001-2002, it has been decided that the facility of home town LTC and All India LTC to Central Government employees may be suspended for a period of two years with immediate effect. Employees who have less than 2 years' service before retirement as on 1st March, 2001 will be exempted from the operation of this LTC suspension order, provided they have not availed the facility in the current block

2. The above orders shall also apply to All India Service Officers on deputation with the Central Government.

3. In case of Government servants who have already booked the Tickets, the cancellation charges will be reimbursed by the respective Ministries/Departments/Offices. The LTC advances already drawn, if any, may be refunded immediately without any penal interest.

4. The Government servants who have commenced their outward journey on LTC prior to date of issue of these instructions have to complete their inward journey as provided in the rules for availing LTC facility.

5. These orders shall apply to all Autonomous/Statutory Bodies partially or fully funded by the Government,

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G.I., Dept, of Pension & P.W., O.M. No. 41/21/2000-P & PW (D),
dated 16-11-2000

Identity Cards to pensioners at their cost

The undersigned is directed to say that the Parliamentary Standing Committee on MHA in Para 26 of its 60th report has inter alia recommended that Government should favourably consider on priority the desirability of issuing Identity Cards on retirement to each Central Government employee. The recommendations are reproduced below i—

26.2 The Committee feels that it would be in fitness of things if the civilian employees are also issued Identity Cards indicating the details such as last post held before retirement, pay scale of the post last held, period of service rendered, etc, which the retired employee can carry on his person for identification as and when needed.

26.3 The Card may also include on the reverse the retired employee's Blood Group, his residential address and telephone number, if there is one.

26.4 The Committee strongly recommend that the Government should favourably consider on priority the desirability of issuing such cards on retirement to each Central Government employee".

2. The recommendations made by the Parliamentary Standing Committee has been carefully examined. It has been decided that the Identity Cards will be issued by various Ministries / Departments / offices to its retired/retiring employees and the expenditure on providing a laminated Identity Card will be borne by the pensioner. This Department has devised a format in which Identity Cards are to be issued to

pensioners (specimen enclosed). It will be the responsibility of the concerned Ministry/ Department to work out the expenditure that may be involved in issuing a laminated Identity Card to pensioner and the card may be issued at the request of the pensioner on cost recovery basis

3. Ministry of Agriculture, etc.. are requested to take urgent necessary action in this regard,

ENCLOSURE

FRONT

PENSIONER'S IDENTITY CARD	
GOVERNMENT OF INDIA	
MINISTRY OF.....	
No.	
Name :	
Space for	Res. Address :
Photograph	Telephone No. :
	Blood Group :
Signature of	
Issuing	
Authority	
With seal	

REVERSE

Date of birth/superannuation*
Post held on Retirement/pay scale*
Last pay/average emoluments*
Qualifying service
Pension Originally sanctioned
P.P.O. No. and date
* in brackets

26

G.I., M.H. & F.W., Dept. of Health, O.M. No. S.-11012/1/98-CGHS (P),
dated 14-3-2001

Income limit for dependency increased to Rs 1,500 p.m ,
dependent brothers, dependent divorced/separated daughters and
stepmother included as members of the "Family".

The undersigned is directed to state that the issue of raising of income limit for dependency from the existing Rs. 500 per month to Rs. 1,500 per month as per Para. 114,15 of the report containing the recommendations of the Fifth Central Pay Commission has been under consideration of the Government for some time. It has now been decided that for availing facilities under CGHS, the definition of dependency criteria and the definition of family would be as under :—

(a) The dependency criteria for availing medical facilities under CGHS is raised from the existing Rs. 500 per month to that of Rs. 1,500 per month. The income limit of Rs. 1,500 per month for dependants would be inclusive of income from all sources including pension and pension equivalent of DCRG benefit and exclusive of the relief on Pension sanctioned after December, 1995.

(b) The existing definition of family for CGHS, which read as "Family" means husband or wife as the case may be, and parents, sisters, widowed sisters, widowed daughters, minor brothers, children and stepchildren wholly dependent upon the Government servant and are normally residing with the Govt. servant" would also now include dependent brothers, dependent divorced/separated daughters and stepmother.

The age limit for dependent sons and daughters was fixed earlier vide Department of Health's O.M. No. B-12014/7/92-CGHS (P), dt. 31-12-1993. Further, vide Department of Health's O.M. No. 4-24/96-C&P/CGHS/CGHS (P), dated 17-9-1999, the upper age limit of 25 years for dependent sons was removed by this Ministry in accordance with the stay order granted by the Hon'ble High Court of Delhi on 22-9-1997 in Civil Miscellaneous Petition No. 115/97 in Civil Writ Petition No. 2542 of 1996.

2. These orders will take effect from the date of issue.

3. These orders would also be applicable to Central Government employees covered under CS (MA) Rules, 1944.

4. This issues with the concurrence of the Department of Expenditure (Implementation Cell) vide their U.O. No. 69/02/2001-IC, dated 13-3-2001.

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C&AG of India. Lr. No. NGE/50-99, dated 7-10-1999

Clarifications regarding Transport Allowance

I am directed to state that orders regarding payment of Transport Allowance to Central Government Employees were issued vide Ministry of Finance, Department of Expenditure, O.M. No. 21 (1)/97/E II (B), dated 3-10-1997. Following issue of these orders, a number of doubts were raised by various field offices, which were clarified by the then existing pay commission cell of this office. Against certain points, it was advised that clarifications may be awaited. The matter has again been examined and following further clarifications are issued. Wherever these are at variance with clarifications on some of these points issued earlier, the clarifications issued now will prevail.

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Sl. No.	Points	Clarification
1.	Whether Transport Allowance is admissible to members of Inspection parties who are on inspection duty within 8 km. from the headquarters ?	Transport Allowance is payable, if the official is on local duty and does not draw any T.A./D.A. for such duty.
2.	Whether Transport Allowance is admissible to officials on training in the office itself for a period exceeding 30 days ?	As this training is imparted in the office itself and the official is not given any T.A./D.A. for such training, Transport Allowance is admissible.
3.	It is presumed that the certificate contemplated in Note under sub-para. (ii) of O.M., dated 3-10-1997 is to be obtained in beginning and after only if change of residence is involved.	The presumption is confirmed.

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G.I., Dept. of Pen. & P.W., O.M. No. 33/99/99-P, & P.W. (C), dated 17-4-2000

Procedure for payment of fixed medical allowance of Rs. 100 to pensioners

The undersigned is directed to refer to this Department's O.M. No. 45/57/97-P & PW (C), dated 19-12-1997, 24-8-1998 and 30-12-1998 on the subject noted above and to say that pensioners, who are living in CGHS covered cities, but whose places of residence are not served by any CGHS dispensary, have been representing for grant of medical allowance of Rs. 100 p.m. The matter has been reconsidered in consultation with the Ministry of Health and Family Welfare. It has now been decided that medical allowance @ Rs. 100 p.m. shall be granted to such Central Civilian Government Pensioners, if their places of residence are not served by CGHS or any corresponding Health Schemes administered by other Ministries/Departments, as the case may be, even though the places residence may fall within the limits of a CGHS covered city. subject to their furnishing the following documents :—

(1) An undertaking in the following format :

I....., a retired employee of.....(Office Address)declare that I am residing at.....(Residential Address indicated in PPO),....., which area is not covered under CCHS or any corresponding Health Scheme administered by the Ministry/Department of (as the case may be). I have also not obtained and do not wish

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to obtain a CGHS Card and avail outdoor facilities under CGHS/Corresponding Health Scheme of other Ministries/Departments from any dispensary situated in an adjoining area.

(2) A certificate from the medical authorities of CGHS or from authorities of corresponding Health Schemes of the concerned Ministries/Departments, as the case be, that the area where the pensioners is residing is not served by any dispensary under CGHS or the Corresponding Health Scheme administered by the Ministry/Department.

2 All the pension disbursing authorities are required to obtain the above certificate from such pensioners in CGHS covered cities before payment of medical allowance is made. An entry to this effect should be made in both halves of their PPOs.



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DIVISIONAL ACCOUNTANT'S/DIVISIONAL ACCOUNTS OFFICERS

1

Circular No. 58/NGE/88 :

No. 722-N.2/101 (M) - 88
OFFICE OF THE COMPTROLLER &
AUDITOR GENERAL OF INDIA
NEW DELHI - 110002.
Dated : 16-08-1988.

To

All the Heads of Department in I.A.&A.D.
(Excluding Overseas Audit Offices)

Subject :- **Recruitment Rules.**

Sir,

Recruitment Rules to various posts in Group C and D have been finalised and are being notified. As and when rules are notified, a copy of the rules will be circulated to the field offices.

2. Some of the rules have been circulated in the past also. In order to enable proper reference in future the relevant Gazettes may be preserved by the field offices.

3. Where rules are notified, the post concerned should be filled up strictly in accordance with the statutory rules. The following instructions are issued for guidance :-

(i) **Relaxation of upper age limit :-** The schedule to the Recruitment Rules indicate the upper age limit for the post where direct recruitment is a method. The age limit provided in the schedule is relaxable for Government servants and various other categories in accordance with the orders issued by the Government of India from time to time in this regard as applicable to I.A & A.D. In order to facilitate easy reference we will shortly circulate a list of categories of persons eligible for age relaxation and the relaxation of age limit permissible.

(ii) **Transfer on Deputation :-** Some of the rules provide for the post being filled by transfer on deputation as a method of recruitment. In such cases in order to have adequate number of applications for the posts which are to be filled by deputation, the gist of vacancy circulars should invariably be published in the Employment News. This will be in addition to the normal method of circulation to various Ministries/Departments including offices in IA&AD and other agencies mentioned in the Recruitment Rules. The vacancy circular/gist should contain adequate information about the terms of deputation. The minimum time allowed for receipt of nominations should be indicated as two months. If in rare cases where there are compelling reasons to fill the vacancies on urgent basis, a shorter time limit, which should not be less than six weeks can be prescribed with the specific

approval of the Head of the Department in the rank of Accountant General who should record the reasons for prescribing a shorter time limit. Before finalising the selection of the officers on transfer on deputation, a certificate should be recorded that the vacancy circular has been despatched to all the agencies prescribed in the rules and that the gist of the circular has appeared in the Employment News (date to be specified).

- (iii) Some of the rules provide for transfer on deputation from other accounting organisations of the Government of India. The vacancy circular should in such cases be issued to the following accounting organisations :-
- (1) Controller General of Accounts, Lok Nayak Bhawan, New Delhi - 110003.
 - (2) Controller General of Defence Accounts, West Block, R.K. Puram, New Delhi - 110022.
 - (3) Financial Advisor & Chief Accounts Officer, Zonal Railway in the area in which the borrowing organisation is based and the Member (Finance), Railway Board, New Delhi - 110001.
 - (4) The Member (Finance), Postal Board, New Delhi - 110001.
 - (5) The Member (Finance), Tele Communications Board, New Delhi - 110001.
- (iv) **Transfer :-** Some of the rules (Ref. Rules for Section Officers) provide for both "Transfer" and Transfer on deputation". Both the terms are not synonymous. Under the provision "Transfer" the officer who will come, may be permanently absorbed in the post/grade. This is only an enabling provision in the rules and should not be operated unless it is absolutely necessary due to cadre needs, particularly where rules provide promotion also as one of the methods.

- (v) **Departmental Promotion Committees :-** The Departmental Promotion Committees to be constituted are clearly laid down in the Recruitment Rules and therefore the DPC's should conform to the statutory provisions. One member of the DPC will be from an office other than the one in which promotions/confirmations are considered, as provided in the rules. Where cadres are common for more than one Accountant General the intention is that this outside member should be from an office other than the one which have common cadres in which promotions/confirmations are considered. For example, if the cadres are common for Accountant General (Audit) I and Accountant General (Audit) II, the outside member should be from an office other than these two Audit Offices.

This provision is a new concept being made in the rules for Section Officers and other posts under notification. Where specific provision has not been made to this effect in the rules already notified, at least one member may be drawn from another office other than the one in which promotions/confirmations are considered, pending amendment to the Recruitment Rules. The existing instructions on nomination/co-option of SC/ST member for the

DPC may also be kept in view.

Each member of the DPC should furnish a certificate to the Chairman, before commencement of the meeting stating that none of his close relatives is being considered by the DPC and that he is otherwise also not interested in any particular candidate. If any member is not able to give this certificate and any of his relative is being considered then the concerned member may be advised to withdraw altogether from the selection process and another person of appropriate rank as mentioned in the rules nominated in his place. This also applies to the Chairman of the DPC's. He should furnish the necessary information to the Appointing Authority/Head of Department sufficiently in advance so that in the event of the Chairman not being in a position to participate in the meeting, another officer of equivalent rank can be nominated to function as Chairman.

- (vi) **Consideration of Seniors :-** It may so happen that senior officers in a feeder cadre would not have completed the required years of service whereas their juniors would have completed the prescribed years of service for promotion.

In such situations the seniors who have completed the period of probation, if any, successfully even though they may not have rendered the prescribed years of services, should also be considered for promotion where the juniors who have completed the requisite years of service are being considered.

4. Hindi version will issue separately.

Yours faithfully,
(N.VISWANATHAN)
ADMINISTRATIVE OFFICER (N)

2

2802. THE GAZETTE OF INDIA : SEPT. 24, 1988/ASVINA 2, 1910 [Part II-Sec.3(i)]
(Department of Expenditure)

New Delhi, the 8th September, 1988

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

1. Short title and commencement -
 - (1) These rules may be called the Indian Audit and Accounts Department (Divisional Accountant) Recruitment Rules, 1988.
 - (2) They shall come into force on the date of their publication in the Official Gazette.

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

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

4. Disqualifications - No person, -

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

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

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

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

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

SCHEDULE

Name of post	No. of Post	Classification	Scale of pay	Whether selection post or non selection post	Whether benefit of added years of service admissible under Rule 30 of the Central Civil Service (Pension) Rules, 1972
--------------	-------------	----------------	--------------	----------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

1	2	3	4	5	6
Divisional Accountant	2504*(1988) *Subject to variation dependent on work load	General Central Service Group 'C' Non-Gazetted Ministerial.	Rs. 1400-40-1640-50-2300 EB-60-2600	Not applicable	No.
Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in case of promotees	Period of probation, if any		
7	8	9	10		

Between 18 and 25 years.
Note :- The crucial date for determining age limit shall be as advertised.

Bachelor's degree of a recognised University
Note :- The educational qualification is relaxable under the orders of the Comptroller and Auditor-General of India for specified categories of staff in the Indian Audit and Accounts Department and State Public Works Accounts Clerks.

Not applicable

2 years

Method of recruitment, whether by direct-recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.

In case of recruitment by promotion/deputation/transfer grades from which promotin/deputation/transfer to be made.

Direct Recruitment.

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

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

- (i) Accountants (Rs. 1200-2040) and senior Accountants (Rs. 1400-2600) (belonging to the Accounts and Entitlement office in whose jurisdiction the vacancies have arisen) who have passed the Departmental Examination for Accountants and have 5 years regular service as Accountant/Senior Accountant including 2 years experience in Works section, or
- (ii) State Public Works Clerks holding posts equivalent to or comparable with that of Accountant/Senior Accountant on a regular basis for 5 years including 2 years experience in Public Works Accounts.

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

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

As stated in column II

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

Group 'C' Departmental Promotion Committee (for confirmations) consisting of :-

- (1) Senior Deputy Accountant General/Deputy Accountant General (dealing with the cadre of Divisional Accountants).
- (2) Any other Senior Deputy Accountant General or Deputy Accountant General or of equivalent rank (from an office other than the one in which confirmations are considered);
- (3) An Accounts Officer.

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

3

SELECTION GRADE DIVISIONAL ACCOUNTANTS

1. OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA - NEW DELHI,
No. 799-NGE/III/112-75

Dated 27-4-78

- i) All Civil A.G. & Offices subordinate to them,
- ii) Chief Auditor.

Sub :- Selection Grade for Divisional Accountants.

Sir,

I am directed to invite a reference to this office confidential circular letter No. 1563 NGE III/323-60 dated 7-6-61 on the subject cited above wherein it was laid down that the number of posts in the selection grade would be upto a maximum of 10% of the sanctioned strength of the cadre of Divisional Accountants (excluding casual and seasonal posts). It has been decided in consultation with the Govt. of India, Ministry of Finance that the percentage of S.G. posts for Divisional Accountants be enhanced to 20% of the permanent posts and temporary posts in existence for 3 years or more with immediate effect subject to the terms and conditions (other than that relating to the date of effect) laid down in their G.M. No. F-7 (31) X-III (A) 74 dated 10-1-77 circulated under this office circular No. 407-III/7-77 dated 11-8-1977 as amended vide Ministry of Home Affairs, Department of personnel and administrative reforms) O.M. No. 22011/S/77 Estt(D) dated 30-12-77 circulated under our circular No. 441-NGE III/7-77 dated 14-3-78.

Since, however, the S.G. in Divisional Accountants cadre is a functional one, the pay of these officials on appointment to S. Grade may continue to be fixed under F.R. 22-C, in relaxation of the provisions of Para 1 (vii) of Ministry of Finance O.M. dated 10-1-77.

The above decision may please be brought to the notice of D.A.G. (Works) under you.

The receipt of this communication may please be acknowledged and the decision contained above may be complied with without delay.

Yours faithfully
Sd/- (B.R. LAL)
Assistant Comptroller &
Auditor General (N)

Not applicable

2. Copy of Letter No. 1386-NGE-IV/8/78 from Office of the Comptroller and Auditor General of India, New Delhi-110002. Dated 26-12-78 to Sh. K.Kodanda Ramaiah, Secretary General, All India Federation of Divisional Accountants Associations, C/O. Industrial Housing Division, A.P.I.I.C. Ltd., 3-5-1093/21, Narayanagude, **HYDERABAD - 500 029.**
Subject :- Resolution adopted in the VII General Meeting.

Sir,

I am directed to invite a reference to your letter No. 109 Dated 29-5-78, forwarding there with copy of 10 resolutions adopted in the aforesaid meeting.

2. As regards resolution No. 11 relating to the removal of condition of minimum service for grant of Selection Grade of Divisional Accountants, it is stated that the matter has been examined and we may be prepared to consider the demand as under provided the All India Federation of Divisional Accountants also agrees to this :-

"The service rendered by Divisional Accountants as Emergency Divisional Accountants in the scale of Divisional Accountants will also be counted towards 10 years service, to become eligible for promotion to Selection Grade Divisional Accountants in the offices where Divisional Accountants with approved length of service are not available, for promotion to the Selection Grade, and the persons to be promoted are otherwise considered fit for promotion."

3. Kindly intimate, if your federation has no objection to this.

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3. Copy of Letter No. 1306 NGE III/112-75 from the Comptroller & Auditor General of India, NEW DELHI-110002. Dated : 10-5-79 to All Civil Accountants General.
Subjects : Selection Grade Divisional Accountants.

Sir,

I am directed to invite your attention to this office circular letter No. 799-NGE III/112-75 dated 27-4-78, on the subject cited above, enhancing the percentage of S.G. Divisional Accountants posts from 10 to 20 and to state that it has been decided that the following guidelines should be kept in view, in connection with the upgradation of posts to Selection Grade.

i) The variation in the percentage of Selection Grade posts of Divisional Accountants i.e. from 10 to 20% should be made with the prior concurrence of State Govt. In other words, before implementing the decision the consent of the State Govt. to the proposed increase in the percentage may be obtained.

ii) The identification of Selection Grade charge which was hitherto done in consultation with the State Govt. may, however, be done now by the Accountant General without referring to the State Govt., keeping in view the well defined criteria, on which charges are so earmarked, such as the volume of expenditure, etc. At best the Secretary, P.W.D. may be advised of the charges earmarked by the Accountant General, as Selection

Grade charges and his suggestion, if any, may be accepted if found justified. This, however, need not delay earmarking of the charges and appointment of Divisional Accountants to Selection Grade by the Accountant General. The expenditure limit of a Division for the purpose of Selection Grade charge may be decided by the Accountant General keeping in view the number of posts required to be upgraded.

iii) If the State Govt. has not approved the increase in the percentage of Selection Grade Divisional Accountants posts the matter may be discussed by the Accountant General with the Secretary P.W.D. personally, to ensure that the percentage of these posts is increased to 20%.

2. Kindly acknowledge receipt of this letter.

6

4. Copy of Circular No. NGE/77/86/1195-N-2-/121-86 Dt. 14-10-1986 from Comptroller and Auditor General of India, New Delhi-110002 to Accountants General (A & E) Controlling the cadres of Divisional Accountants. (As per standard list).

Sub :- Fourth Central Pay Commission-Enhancement in the Selection Grade post of Divisional Accountants.

Sir,

I am directed to invite a reference to this office circular letter No. 799-NGE-III/112-75 dt. 27-4-1978 fixing the percentage of Selection Grade Posts for Divisional Accountants at 20% and to state that in accordance with the Central Civil Services (Revised Pay) Rules 1986, vide notification No. GSR 1105 (R) dated 22-9-1986 existing Selection Grade Divisional Accountants (Rs. 550-800) will be allowed the revised scale of Rs. 1640-2900. It has also been provided therein that 50% of the total strength of Divisional Accountants including the existing Selection Grade will be in the higher Promotional Grade of Rs. 1640-2900.

2. Consequent to the recommendations of the Fourth Pay Commission and the decision thereon, it has been decided to increase the percentage of Selection Grade Divisional Accountants from 20% to 50% of the total strength including the existing Selection Grade. This enhancement will take immediate effect.

3. The percentage of Selection Grade posts will be worked out on the total number of regular posts excluding seasonal and casual posts in existence on 1st July, every year. Accordingly for the current panel year 1986, ending 31-12-86, the percentage will be worked out on the basis of the total number of regular posts excluding seasonal and casual posts. The condition that the posts should have been in existence for three years will no longer apply.

4. The Selection Grade posts should be identified by the Accountant General, without any reference to the State Govt. keeping in view the well defined criteria such as volume of expenditure etc. vide our circular letter No. 1306-N-III/112-75 dated 10-5-1979. No prior concurrence of the State Government to implement the decision enhancing the Selection Grade posts is necessary but the State Government may simply be informed that conse-

quent on the recommendations of the Fourth Central Pay Commission and its acceptance by the Government of India in consultation with the Comptroller and Auditor General of India, the existing 20% of Selection Grade posts has been enhanced to 50%.

5. Consequent on the increase in the number of Selection Grade Posts, the Accountants General, may operate the existing panel to fill up the additional posts and after the panel is exhausted a supplementary panel may, if necessary, be prepared for 1986 with some crucial date namely 1-10-1985.

6. Divisional Accountants promoted hereafter to the Selection Grade posts in the revised scale will draw the pay in the higher posts only from the date of assumption of duties of the identified selection grade posts and no retrospective promotion is permissible.

7. There is no change in the existing criteria for promotion to the Selection Grade. Under the existing orders vide circular No. 270 NGE III/112-75 dated 2-2-79 service rendered by Divisional Accountants as Emergency Divisional Accountants in the scale of Divisional Accountants will also be counted towards the prescribed 10 years of service to become eligible for promotion as Selection Grade Divisional Accountant in offices where Divisional Accountants with approved length of service are not available. As some doubts have arisen in the application of this order, it is clarified that it is not the intention that the seniority list of Divisional Accountants should be violated and a junior who has worked as Emergency Divisional Accountant in the Scale of Divisional Accountant and has a total service of 10 years should supersede his senior who does not have the 10 years service including the service as Emergency Divisional Accountant. Promotion to Selection Grade will be based on the seniority list of Divisional Accountants and the shortfall in the required 10 years service of seniors can be made good by adding the service as Emergency Divisional Accountant, if any. In other words for promotion to Selection Grade the eligibility criteria is that the person under consideration should be a Divisional Accountant on the crucial date with 10 years of regular service as Divisional Accountant including service as Emergency Divisional Accountant, if any, rendered by him. If a senior is not eligible to be considered because of shortfall in the years of service, his junior can not be considered on any account. This may be kept in view to regulate the promotions correctly in future.

Hindi version will issue separately.

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Copy of Circular No. 14-NGE/1987 & No. 130-N. 2/121-86 from the Comptroller & Auditor General of India, NEW DELHI - 110002. Dated 12-2-1987, to the Accountants General's (A&E) Controlling, the cadre of Divisional Accountants, (as per standard list).

Subject : Promotion of Divisional Accountants to the Selection Grade.

Sir,

I am directed to refer to this office circular letter No. 1165-N.2/121-86 dated 14-10-1986 (NGE-Circular No. NGE/77/86) which provides interalia that eligibility criteria for promotion of Divisional Accountants from the ordinary grade to the functional Selection

Grade will continue to be ten years of regular service in the ordinary grade. It has now been decided that pending issue of Recruitment Rules to this post, Divisional Accountants, with 5 years of regular service in the ordinary grade on the relevant crucial date will be eligible for promotion to the Selection Grade. They will be on probation for a period of two years.

2. The term regular service does not include service as Emergency Divisional Accountant.

3. A field office has enquired how to regulate case of those who by virtue of earlier confirmation due to reservation or otherwise have become seniors but do not have the required years of service, while their juniors have the prescribed years of service. It is clarified that if any Divisional Accountant is considered for promotion, all his seniors in the ordinary grade shall also be considered for the promotion not with-standing that they may not have rendered a minimum length of service prescribed above i.e. 5 years regular service.

4. This will take effect from the promotion panel for 1987. Accordingly, panels on the basis of the above criteria may kindly be drawn up immediately and the vacancies in the posts of Selection Grade Divisional Accountants filled up.

5. Hindi Version will follow.

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6. Copy of Circular No. NGE/65/1987 & No. 860-N. 2/121-86 from The Comptroller & Auditor General of India, 10-Bahadur Shah Zafar Marg, NEW DELHI - 110002. Dated 10-8-1987, to The Accountants General (Controlling the cadre of Divisional Accountants).

Subject : Promotion of Divisional Accountants to the Selection Grade.

Sir,

I am directed to state that a reference has been received from one field office seeking clarification whether pay on appointment of Selection Grade Divisional Accountants (Rs. 1640-2900) as Section Officers (1640-2900) can be fixed under FR-22-C. As the Section Officer post is not of greater importance vis-a-vis Selection Grade Divisional Accountants post on appointment of Selection Grade Divisional Accountant as Section Officer FR-22-C, will not be applicable.

2. Hindi version will issue separately.

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7. Copy of letter No. WM-I/E-III-2467 Dt. 24-11-1988, from Office of the Accountant General (A&E)-II Maharashtra, Nagpur-440 001. To Sh. V.P. Pandse President, Divisional Accountants Association, C/o. The Executive Engineer, Gate Manufacturing Project Dn. 'A'. DAPODI, PUNE-12.

Subject : Promotion to Selection Grade - Deletion of condition regarding two years probation in respect of D.A.'s having 10 years service.

Sir,

With reference to your letter dated 13th October 1988, on the subject cited above the point regarding two years probation period in respect of the S.G.D.A's has been re-examined and it is confirmed that the condition of 2 years probation is applicable only to those S.G.D.A's who were promoted after 5 years but before completing 10 years regular service in the ordinary grade. The cases of Divisional Accountants who have been promoted after 10 years service will not be subject to any review and in their cases condition of 2 years probation may be deemed to have been deleted.

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TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (i) OF THE
GAZETTE OF INDIA,
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)
New Delhi, the 27-5-1987.

NOTIFICATION

G.S.R. 445 in exercise of the powers conferred by clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India, the President hereby makes the following rules to regulate the method of recruitment to the post of Selection Grade Divl. Accountant under the cadre control of the Accounts and Entitlement Offices of the Indian Audit and Accounts Department, namely :-

1. Short title and commencement :-
 - (i) These rules may be called the Indian Audit & Accounts Department (Selection Grade Divisional Accountant) Recruitment Rules, 1987.
 - (ii) They shall come into force on the date of their publication in the official Gazettee.
2. Number of post, classification and scale of pay :-

The number of the said post, its classification and the scale of pay attached there to shall be as specified in columns 2 to 4 of the schedule annexed to these rules.
3. Method of recruitment, age limit, qualifications etc. :-

The Method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 14 of the said Schedule.
4. Disqualifications :- No person :-
 - (a) Who has entered into or contracted a marriage with a person having a spouse living or
 - (b) Who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post :

Provided that the Comptroller and Auditor General of India may, if satisfied, that

such marriage is permissible under the personal law applicable to such a person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax :-

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

6. Saving :

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

THE SCHEDULE

Name of post	Number of post	Classification	Scale of Pay	Whether Selection post or non Selection post	Age limit for direct recruits	Whether benefit of added years of Services admissible under rule 30 of CCS (Pension) Rules, 1972
1	2	3	4	5	6	7
Selection Grade Divisional Accountant	*1745 (1987) *Subject to change dependent on work load	General Central Service Group 'C'- Non-gazetted-Ministerial	Rs. 1640-60 2600-EB-75-2900	Non-Selection	Not applicable	Not applicable
Educational and other qualifications for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply for promotees	Period of Probation, if any.	Method of recruitment whether by direct recruitment or by promotion or deputation			

8	9	10	11
Not applicable	Not applicable	Two years	By promotion failing which by transfer on deputation
In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.	If a departmental promotion committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.	

12	13	14
Promotion :- Divisional Accountant in the grade of Rs. 1400-2600 with five years regular service in the grade. Transfer on deputation :- Section Officer Grade Examination passed staff or Section Officers (Accounts) of the Accounts and Entitlement Office (Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/department shall ordinarily not exceed three years.	Group 'C' Departmental Promotion Committee consisting of :- (1) Senior Deputy Accountant General or Deputy Accountant General or an Officer of equivalent rank in charge of administration of the cadre of Divisional Accountants. (2) Any other senior Deputy Accountant General or an officer of an equivalent rank; and (3) An Accounts Officer Note :- The Senior most officer amongst (1) and (2) above will be the Chairman.	Not applicable

Sd/-
(D. Thyageswaran)
Under Secretary to the Govt. of India
File No. A/12018/2/86-EG-I.

11
DIVISIONAL ACCOUNTS OFFICERS

1. **No. F. 5(74)/E-III/87 Government of India. Ministry of Finance,
Department of Expenditure**
New Delhi the 13th October 1988

OFFICE MEMORANDUM

Subject :- Creation of Promotional Avenues of Divisional Accountants :-

The undersigned is directed to refer para 10.524 of the Pay Commission Report-part-I wherein the Commission made recommendation in regard to promotional avenues for Divisional Accountants as follows :-

"Divisional Accountants also be provided promotional avenues in the Office of Accountants General to posts of Accounts Officers in the scale of Rs. 2375-3500".

2. The above recommendation was considered by the Govt. and it was not found possible to accept it. The matter was discussed with Staff Side of Departmental Council of IA&AD (JCM). The Staff Side agreed to give up their demand to the promotion of Divisional Accountants to the cadre of Accounts Officers if promotion at a suitable percentage to the scale of Rs. 2000-3200 by upgradation of Selection Grade Divisional Accountant posts in the divisions is accepted.

3. Accordingly, the President has been pleased to decide that with effect from 1-7-88 cadre of Divisional Accountants in C&AG shall be restructured as follows :-

Divisional Accountants (Ordinary Grade)	Rs. 1400-2600	50%
Divisional Accountants (Selection Grade)	Rs. 1640-2900	30%
Divisional Accountants Gr. 'B' Gazetted	Rs. 2000-3200	20%

4. The guidelines for filling up the posts in the higher grade of Rs. 2000-3200 will be issued separately by the office of C&AG.

(B. KUMAR)
Under Secretary to the Government of India

To,
Office of Comptroller & Auditor General of India.

NOTE :-
This G.O.I. order has also been got issued in respect of Central Divisional Accountants under the control of controller General of Accounts.

EDITOR

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2. Circular No. NGE/108/1988 & No. 1154-N.2/140-88 from the Comptroller and Auditor General of India, NEW DELHI-110002, to The Accountants General (A&E), Controlling the cadre of Divisional Accountants (As per standard list).

Subject :- Introduction of a functional grade in Group B (Gazetted for Divl. Accountants).

Sir,

In continuation of this office D.O. letter No. 1102-N.2/140-88 dated 1-12-1988 on the subject mentioned above, I am directed to convey the following instructions for filling up the posts in the higher grade of Rs. 2000-3200.

- (i) The cadre composition from 1-7-1988 will be as follows :-
- | | | |
|----------------------------------------------|---------------|-----|
| Divisional Accountants
(Ordinary Grade) | Rs. 1400-2600 | 50% |
| Divisional Accountants
(Selection Grade) | Rs. 1640-2900 | 30% |
| Divisional Accountants
(Group B Gazetted) | Rs. 2000-3200 | 20% |

- (ii) The post in the higher grades will be operated subject to availability of eligible staff.
- (iii) The percentage of posts in selection grade and Group B Gazetted will be worked out on the total number of regular posts of Divisional Accountants excluding seasonal and casual posts in existence on 1st July every year. Accordingly, for the current panel year 1988 (ending 31-12-1988) the percentage will be worked out on the basis of regular posts in existence on 1st July 1988. As the percentage of Selection Grade Divisional Accountants has been reduced by 20% with corresponding creation of a new grade in Group B, the posts of Selection Grade Divisional Accountant in existence on 1-7-1988 will be suitably upgraded.
- (iv) The new higher functional grade viz Rs. 2000-3200 (standard scale) will be Group B Gazetted and designated as 'Divisional Accounts Officer'.
- (v) The post will be a non-selection post and Selection Grade Divisional Accountants with three years regular service will be eligible for promotion to the new higher grade. Promotion will be on seniority basis subject to rejection of unfit.
- (vi) The eligibility criteria be satisfied on 1st October of the preceding year for promotions in a year, as at present for all other similar promotions. Thus for promotions during the panel year 1988, the crucial date would be 1st October, 1987.
- (vii) For promotions made against vacancies upto 31-12-1988, benefit may be given from 1-7-1988 or date of occurrence of vacancies whichever is later. For instance, if 20 vacancies exist on 1-7-1988, promotions would be from 1-7-1988 for 20 persons. If on 1-10-1988, a vacancy had arisen in the higher grade of Rs. 2000-3200 due to retirement, an eligible Selection Grade Divisional Accountant satisfying the prescribed criteria on 1-10-1987 may be promoted against this vacancy from 1-10-1988. This retrospective promotion is only for the interim period. From 1-1-1989 onwards, the promotions can

be made only prospectively.

- (viii) Being a Group B post, the appointing authority will be the Principal Accountant General/Accountant General and the DPC will be group B DPC as for Assistant Accounts Officer in your office.
- (ix) The procedure followed in your office for notification of appointments/retirement of AAO's may be followed in the case of Divisional Accounts Officers.
- (x) Reservation orders incorporated in the Brochure on Reservation for SC and ST in services as amended from time to time apply to the promotions to the new higher grade.
- (xi) The posts in the new higher grade of Rs. 2000-3200 should be identified by the A.G. within a period of two months without any reference to the State Government, keeping in view the well defined criteria such as volume of expenditure etc. No prior concurrence of the State Government to implement the scheme is necessary but the State Government may simply be informed that consequent on the recommendations of the Fourth Central Pay Commission and further follow up action in consultation with staff side the cadre of Divisional Accountants has been restructured.
- (xii) Promotions to the cadre of Divisional Accounts Officer may be made on 'as is where is basis' till such time the Divisions are identified by the A.G. for posting of these persons.

2. It is presumed that you have already taken advance action to keep ready the panel as requested in the D.O. dated 1-12-1988. Immediate action may please be taken to promote the eligible Selection Grade Divisional Accountants as Divisional Accounts Officers.
3. While there is no objection for the Divisional Accounts Officers to continue as member of the Divisional Accountants Association after proper amendment of the Constitution of the Association, they cannot represent in JCM forums viz Office Council, Departmental Council and National Council.
4. A report on implementation of these orders may please be despatched to this office on 2nd January, 1989.
5. Hindi version will issue separately.

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3. परिपत्र सं. अरा. 111/1988

स. 1183-अरा.2/140-88
भारत के नियंत्रक-महालेखा परीक्षक का
कार्यालय, नई दिल्ली - 110002.
दिनांक 8/2/1989.

सेवा में,
महालेखाकार ले. एव. ह.

मंडल लेखाकारों के संवर्ग पर नियंत्रण करने वाले, (मानक-सूची के अनुसार)
विषय : मंडल लेखाकारों के लिए समूह "ख" राजपत्रित कार्यात्मक वर्ग का आरम्भ करना।
महोदय,

मुझे उपर्युक्त विषय पर इस कार्यालय के पिरपत्र सं. 1154 अरा./2/140/88 दिनांक 15/12/88 की ओर ध्यान आकर्षित करने का निर्देश हुआ है। यह अनुमान लगाया जाता है कि इस विषय में आपने सही कार्यवाही की होगी।

क्योंकि पदोन्नति ग्रुप "ग" से "ख" के राजपत्रित पदों पर की जायेगी अतः ग्रुप "ख" राजपत्रित में पदोन्नति हुए प्रवरण श्रेणी के मंडल लेखाकारों को दो वर्ष परिवर्ध अवधि पर रखा जायेगा। पदोन्नति पर उनका वेतन भू नि 22-सी के अर्न्तगत नियत किया जायेगा।

भवीदय
एन. विश्वानाथन
प्रशासन अधिकारी अरा

स. 1184-अरा-2/140-88

प्रतिनिम्नलिखित को प्रेषित :

स.नि.अरा, स.नि.का, अरा. स्था., अरा. 111, अरास्था. IV एन. विश्वापनाथन
8 प्रतियां ब.रि.रा. रास्था 11 और ले.प. 11, दो प्रतियां आडिट प्रशासन अधिकारी अरा
बुलिटिन के लिए।

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5. Copy of Circular No. NGE/16/1989 & No. 280-N.2/140-88 Dated 2-3-1989 from the Comptroller and Auditor General of India, NEW DELHI - 110002. to the Accountants General (A&E), Controlling the cadre of Divisional Accountants (As per standard list).

Sub. :- Promotion of Divisional Accountants as Selection Grade Divisional Accountants against the vacancies in the cadre of Divisional Accounts Officers.

Sir,

I am directed to invite a reference to para 1 (i) of this office Letter No. 1154-N.2/140-88 dated 15-12-88 indicating the revised cadre composition of Divisional Accountants and to state that a field office has enquired whether promotion to the Selection Grade Divisional Accountant's cadre can be made in excess of 30% of total strength of Divisional Accountants if there are vacancies in the Divisional Accounts Officers cadre due to non-availability of eligible Selection Grade Divisional Accountants.

2. It is clarified that vacancies in the cadre of Divisional Accounts Officer due to non-availability of eligible Selection Grade Divisional Accountants may be operated temporarily at the level of Selection Grade Divisional Accountants by appointing excess Selection Grade Divisional Accountants over 30% if eligible ordinary Grade Divisional Accountants are available for promotion to Selection Grade, till such time the Selection Grade Divisional Accountants become eligible for promotion as Divisional Accounts Officers and the cadre composition at the prescribed percentage is reached in due course. The total posts in the two higher Grades of Selection Grade Divisional Accountant and Divisional Accounts Officer should not exceed 50%.

3. Hindi version will issue separately.

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Office of the Comptroller & Auditor General of India,
New Delhi

No. 498-RE-II/222-97

Dated : 16-04-1998

To,

The All Principal Accountants General/
Accountants General (A&E)
Controlling the cadre of Divisional
Accountants (As per standard list)

Sub : Restructuring of cadre of Divisional Accountants from 1-10-97.

Sir/Madam,

With a view to provide additional avenues for promotion of Divisional Accountants, Fifth Central Pay Commission had recommended the following four-tier cadre structure and scales of Pay :

S.No.	Designation & Scale of Pay	Cadre Composition
1.	Divisional Accountant (Rs. 5000-8000)	35%
2.	Divisional Accounts Officer Grade-II (Rs. 5500-9000)	25%
3.	Divisional Accounts Officer Grade-I, (Group 'B' Gazetted) (Rs. 6500-10500)	25%
4.	Sr. Divisional Accounts Officer (Group 'B' Gazetted) (Rs. 7500-12000)	15%

The question of implementing the above recommendations was taken up with the Government, who have now accorded approval for the implementation of the Pay Commission's recommendations regarding the revised cadre composition and creation of new grade of Senior Divisional Accounts Officers from 1-10-97.

2. The number of posts in each of the grades will be worked out on the basis of the number of regular posts, excluding seasonal and casual posts, in existence on 1st July of that year.

3. Due to the introduction of four-tier structure from 1-10-97, a number of vacancies may arise in each of the three higher grades. For promotions that may be made against vacancies upto the end of April, 98, benefit may be given from 1-10-97 or the date of occurrence of the vacancy whichever is later. For instance, if 10 vacancies exist in any of the three higher grades on 1-10-97, promotion of 10 persons will be made from 1-10-97 to the respective higher grade. Subsequently if a vacancy arises in any of the higher grades from, say 1-1-98, the seniormost empanelled officer may be promoted against that vacancy

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from 1-1-98. Such retrospective promotion is only for the interim period. From 1-5-98 onwards, promotions can be made only prospectively.

4. The new functional grade of Senior Divisional Accounts Officer will be non-selection post and Divisional Accounts Officer Grade-I with three years of regular service will be eligible for promotion as Senior Divisional Accounts Officers. Promotions will be on the basis of seniority-cum-fitness and the eligibility criteria will have to be satisfied on 1st October, as in the case of other promotions.

5. Being a Group 'B' post, the Appointing Authority in the case of Senior Divisional Accounts Officers will be Principal Accountant General/Accountant General and the DPC constituted for Group 'B' posts will be competent to consider cases for promotion to the new grade of Senior Divisional Accounts Officers. Usual conditions about reservations of posts for SC/ST candidates will apply.

6. Prior concurrence of the State Government to implement this scheme is not necessary, but the State Government may be informed that consequent on the recommendations of the Fifth Central Pay Commission, the cadre of Divisional Accountants has been restructured.

7. A report on implementation of these orders may please be despatched to this office by 1-6-98.

Yours faithfully,

(Gargi Kaul)

Asstt. Comptroller &
Auditor General (N)

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Office of the Comptroller and Auditor General of India,
New Delhi.

Circular No. NGE/12/1998
No. 117- NGE(App.)/50-97
Dated : 28th January, 98.

To,

**The Pr. Accountants General/
Accountants General (A & E)
Controlling cadres of Divisional Accountants**
(As per Standard list)

**Sub : Recommendation of Fourth Central Pay
Commission - Enhancement in the Selection
Grade posts of Divisional Accountants.**

Sir/Madam,

I am directed to invite a reference to para 6 of this office circular letter No. 1165-N.2/121-86 dated 14.10.86 wherein it was clarified that the Divisional Accountants promoted to Selection Grade posts in the revised scale would draw the pay in the higher post only from the date of assumption of duties of the higher post. Subsequently as per judgments of Chandigarh, Jaipur and Allahabad Benches of Central Administrative Tribunal, the above orders were implemented with retrospective effect from 1-1-86 in the cases of Divisional Accountants of Punjab, Rajasthan and Uttar Pradesh, The issue of extending the benefit of the above judgments to the Divisional Accountants of other States was under consideration for some time and it has now been decided that all the Divisional Accountants promoted as Selection Grade Divisional Accountants in accordance with the instructions contained in this office circular letter dated 14-10-86 may be allowed the benefit of promotion w.e.f. 1-1-86.

It has further been decided that the Divisional Accountants who had completed 5 years regular service as Divisional Accountant on the crucial date may also be considered for promotion to the posts of Selection Grade Divisional Accountants w.e.f. 1-1-86.

Hindi version will follow separately.

Yours faithfully,

(Gargi Malhotra)

Asstt. Comptroller & Auditor General (N)

17

Office of the Comptroller and Auditor General of India
New Delhi - 110 002

No. 624-NCE (App)/11-98

Dated : 26-05-1999

To,

**All the Pr. Accountants General/Accountants General/
Sr. Deputy Accountants General (A & E)**
(Dealing with the cadre of Divisional Accountants)

Sub : Transfers and postings of Divisional Accounts Officers/Divisional Accountants.
Sir/Madam,

Considering the manifold increases in the developmental activities and budgeted outlay of P.W.Divisions in the States over the years and changes in the structure of Divisional Accountant's cadre during the past several years, the question of re-defining the existing classification of Divisions for the purpose of transfers and postings of Divisional Accounts Officers/Divisional Accountants was under consideration of the Headquarters. The matter has been reviewed and in partial modification of this office confidential circular letter No. 2820-NGE II/49-72 dated 21-11-1972 on the above subject, the following have been decided :

1. **CLASSIFICATION OF DIVISIONS :**

The Divisions shall be classified as follows to match four tiers of the cadre of Divisional Accountants :

Category of Divisions	Category of Designated Posts	Percentage of Divisions
(i) Very Heavy Divisions	Sr. Divisional Accounts Officers	15%
(ii) Heavy Divisions	Divisional Accounts Officers, Grade-I	25%
(iii) Medium Divisions	Divisional Accounts Officers, Grade-II	25%
(iv) Light Divisions	Ordinary Grade Divisional Accountants	35%

- (a) The above classification will be based on the average annual budgeted outlay for the last three years. Exact monetary limit for each category may, however, be fixed by the respective Accountants General (A & E) depending upon the outlay in the respective States.
- (b) Other aspects like nodal Divisions irrespective of expenditure ceiling, nature of work assigned to Divisions and territorial jurisdiction of Divisions should also be kept in view for the purpose of classification of Divisions.
- (c) Classification of Divisions on the basis of (a) and (b) above would be valid for three years.

2. TENURE OF POSTING :

The tenure of posting of Divisional Accounts Officers/Divisional Accountants in a Division would continue to be normally for three years.

3. OTHER CONSIDERATIONS FOR TRANSFERS AND POSTINGS :

While considering transfers and postings of Divisional Accounts Officers/Divisional Accountants adverse comments of the Inspecting Officer of o/o Accountant General (Audit) auditing the accounts of the Division, adverse remarks of the Executive Engineers on their performance as reflected in their Annual Confidential Reports and their performance in proper and timely submission of accounts of the Division to the Accountant General may also be taken into account by the Transfer Committee.

- 4.** The above guidelines may be scrupulously adhered to uniformly in a transparent manner so as not to give any room for grievance/complaint.

Yours faithfully,

(Meenakshi Gupta)
Asstt. Comptroller &
Auditor General (N)

18

OFFICE OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA

NEW DELHI - 110 002.

CONFIDENTIAL/SPEED POST

No. 394-NGE(App)/11-98

Dated :- 19-04-2000.

To

All Pr. Accountants General/Accountants General
dealing with the cadre of Divisional Accountants

Sir/Madam,

The need to evolve some clearly defined norms and a uniform and transparent policy of transfer and posting of Divisional Accounts officers/Divisional Accountants was being felt for some time. Though transfer is an incidence of service of Divisional Accountant, it should be effected in such a way that it causes minimum inconvenience to the individuals and at the same time it fulfils the administrative requirements. It has, therefore, been decided to prescribe the following broad parameters for transfer and posting of Divisional Accounts Officers/Divisional Accountants which should be followed scrupulously and uniformly.

- (a) transfer and posting should normally be made only once in a year and annual transfers should be timed properly so that these may not disturb the academic session;
- (b) list of Divisions likely to fall vacant during the year should be published well in advance;
- (c) Divisions should be properly graded by following the instructions issued in this regard from time to time and posting of officers should be made in the appropriately graded Divisions;
- (d) option for posting in particular station(s) should be called for from the individuals and efforts should be made to Accomodate the officers at the place of their choice, subject to availability of vacancy and on basis of seniority. The adverse comments given by the Inspecting Officers auditing the accounts of the Divisions, adverse remarks made by the Executive Engineers on the performance of the Divisional Accounts Officers/Divisional Accountants which are finally substantiated and their performance in proper and timely submission of accounts may also be kept in view;
- (e) a transfer Committee comprising the Group Officer in charge of Works Accounts and two other Indian Audit & Accounts Department officers of the rank of Sr. Dy. Accountant General/Dy. Accountant General, to be nominated by the Pr. Accountant General/Accountant General, should be formed to consider the cases of transfer;
- (f) tenure of posting should normally be three years in a particular Division and six years at a particular station;
- (g) an officer should normally be allowed to serve the last three years of his service life at a place of his choice even if it results in his stay in the same place etc. beyond the normal tenure;
- (h) a general order indicating transfers and postings of all officers should be notified in addition to individual posting orders that may be issued.
2. Dispensation of the set norms could be made only in very exceptional circumstances, to be recorded in writing, on account of extreme personal circumstances which are quite distinguishable.

Yours faithfully

(Meera Gupta)

Asstt. Comptroller & Auditor General (N)

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INDIAN AUDIT AND ACCOUNTS DEPARTMENT
OFFICE OF THE ACCOUNTANT GENERAL (A&E)
PUNJAB CHANDIGARH - 160017

Admn.1/33(5)/DAO/DA Assn./2001-02/904

Dated 17 May, 2001

To

The President,
Punjab DAO/DA Association,
Office of the Principal,
Accountant General (A&E) Punjab,
Chandigarh.

Subject :- Extension of recognition to Punjab DAO/DA Association.

Sir,

Please refer to your letter dated 30-4-2001 on the above mentioned subject.

It is informed that the Principal Accountant General has been pleased to extend the recognition of the Punjab Divisional Accounts Officers/Divisional Accountants Association under CCS (RSA) Rules 1993 on existing terms and conditions for a further period of two years from 20-5-2001 to 20-5-2003.

Yours faithfully

Sr. Accounts Officer (Admn. I)

Pawan Kumar Verma
B.E. (Civil) M.I.E.

JAI SHIV SHANKER

0183-212422
98141-32108

M/s. Satish Aggarwal & Co.

HOT MIX PLANT

OWNER ENGINEERS & GOVT. CONTRACTORS

Ram Tirath Road, Vill. Badala. Amritsar. Ph. 0183-56287

Section-IV

Case-Law Section-Tribunal Judgements

Sr No.	Brief Particulars	Pages
1.	Circumstances under which the adverse confidential remarks of an employee may be ordered to be expunged by a Tribunal.	1-2
2.	Fresh departmental enquiry after withdrawing the earlier show-cause notice without assigning reasons and reserving no right for such action is violative of Note No. 9 below Rule 15 of CCS (CCA) Rules, 1965.	2-3
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Case-Law Section Tribunal Judgments

1

Circumstances under which the adverse confidential remarks of an employee may be ordered to be expunged by a Tribunal

Held : The applicant, a Scientist at Indian Lac Research Institute, Ranchi has filed the instant OA seeking to expunge the adverse annual remarks of the Competent Authority for the period 1995-96, since his representation for expunging the adverse remarks has been rejected by the Competent Authority.

The learned Counsel for the applicant has first drawn my attention to the guideline of the Department of Personnel and Training, O.M., dated 30-1-1978 and the OM 4-5-1994. The guideline speaks in no uncertain terms that the representation made against adverse remarks must be decided expeditiously by the Competent Authority and in any case within three months from the date of submission of the representation. It has further laid down that adverse remarks should not be deemed to be operative if any such representation is not disposed of within the prescribed limit. This being the position, it has to be taken note in the instant case that even though the applicant submitted his representation through proper channel on 18-11-1996, which remained pending for over two years, it was only at the close of the month of October, 1998, that the office of the respondent No. 3 informed the respondent No. 4 that the Competent Authority in the Council has decided that the adverse remarks does not deserve to be expunged. This would certainly lead to the only conclusion that the adverse remarks recorded in the confidential report of the applicant for the year 1995-96 would be deemed to be inoperative and those are liable to be expunged.

The applicant's allegation of bias as levelled against Dr. S.C. Agarwal, the then Director, ILRI, Namkum, Ranchi (respondent 4) is difficult to be ruled out by the respondents. This sort of grievance appears to have been raised against the said Shri Agarwal which was brought to scrutiny by a Committee constituted for the purpose. In the light of the report submitted by the committee, the ICAR, New Delhi, made a communication to Shri Agarwal, that he shall guard himself against the personal biases and take quick decision in day-to-day functioning of the Institute/Council to avoid the conditions of the indecisiveness causing problems to the Institute staff. In my opinion, the possibility of recording adverse remarks in report of the applicant, because of strained relationship cannot be ruled out.

On perusal of the remarks, as contained in the Annual Report of 1995-96, it would be found that the overall grading given to the applicant was 'average' and there was nothing against his scientific integrity and the integrity was found to be beyond doubt. He was also found to be a sincere worker and his communication skill was found to be reasonably good. The particulars furnished by the applicant for the purpose of Annual Confidential Report were also agreed to by the reporting authority. The functions rendered by the applicant were found to be having sound background. As against this, it is conspicuous to note that his

output was found far below the target and that not much has been achieved by him during the period and that he had some problems in dealing with subordinate staff. The adverse portion of the remarks thus sounded somewhat inconsistent.

In the result, this OA must succeed and, accordingly it is allowed. The applicant's Annual Confidential Remarks for the year 1995-96 are deemed to be inoperative and accordingly, those are directed to be expunged.

[P.C. Sarkar v. Union of India and others, 10/2001, Swamysnews 67, (Patna), date of judgment 9-2-2001.]

O.A. No. 471 of 1998

2

Fresh departmental enquiry after withdrawing the earlier show-cause notice without assigning reasons and reserving no right for such action is violative of Note No. 9 below Rule 15 of CCS (CCA) Rules, 1965.

Facts : This OA is filed by Amar Chand ASI, Ashok Chakravorthy, Head Constable and Narender Kumar, Head Constable working in the Delhi Police. They are aggrieved by the order of punishment imposed upon them by the Disciplinary Authority, viz., stoppage of next increment with cumulative effect for a period of five years. They have impugned the concerned Enquiry Report, dated 23-3-1998, the penalty order passed by the Disciplinary Authority, dated 25-5-1998, and the Appellate Authority's order, dated 4-9-1998. The first and the crucial main ground pressed by the learned Counsel for the applicant is that, the fresh departmental enquiry is illegal since it is in violation of the respondent's own circular, dated 28-4-1993. He contended that since no reasons for such withdrawal were given and no right was reserved for re-starting the enquiry by their letter, dated 10-10-1997 is barred under the said circular. He has also relied strongly on an order on this Tribunal (PB), dated 31-1-1992 in O.A. No. 602 of 1999 Inspector Harbhajan Singh v. Commissioner of Police and others.

Held : It was stated in the said circular inter alia thus : "It is 'therefore' emphasized upon all the Disciplinary Authorities to take care that clear and appropriate reasons are mentioned in the orders withdrawing/dropping action in a disciplinary matter of show-cause notice. Such orders must also clearly mention that the disciplinary proceeding or show-cause notice is being dropped without any prejudice to further disciplinary action which could be subsequently taken in the matter."

In the present case, the show-cause notice, dated 4-4-1997, calling upon the applicants to show-cause as to why they should not be censured for their act, viz., pilfering of the petrol from a Government vehicle which was under repair in the workshop which amounts to gross misconduct and non-worthiness and unbecoming of a police officer in the discharge of his official duties was withdrawn by the respondents by their order, dated 8-10-1997. No clear and appropriate reasons for such withdrawal have been given by them in the said order and there is no mention that the above show-cause notice is being dropped

"without any prejudice" to further disciplinary action which could subsequently be taken in the matter, despite the relevant provision of the said circular, dated 28-4-1993. Thereafter, a regular departmental enquiry against the applicants for the aforesaid misconduct was conducted by the respondents and the impugned order of punishment, dated 25-5-1998, imposing a major penalty and the appellate order, dated 4-9-1998, rejecting the appeals against the said punishment order were passed by the respondents.

On the facts and circumstances of the case, we are of the considered view that the fresh departmental enquiry conducted against the applicants after withdrawing the show-cause notice without giving specific reasons and without reserving the right or liberty to order fresh enquiry is patently violative of the provisions of the aforesaid Note 9 below Rule 15 of the CCS (CCA) Rules, 1965, which are made applicable to the departmental enquiries under the Delhi Police (Punishment and Appeal) Rules, 1980, by the decision of this Tribunal, dated 31-1-1992 in *Harbhajan Singh's* case and the respondents own circular, dated 28-4-1993 noted earlier. Such an action is not sustainable under the law.

[*Amar Chand and others v. Joint Commissioner of Police and others*, 10/2001, Swamysnews 69, (PB., New Delhi), date of judgment 13-9-2000.]

O.A. No. 2176 of 1998

3

Treating absence from duty one day as leave without pay and break in service without a show-cause notice is not sustainable.

Held : This is an application praying for a direction to quash the order, dated 10-2-1998, issued by the respondent authority whereby it has been directed to treat the absence of the applicants on 28-1-1998 as leave without pay and also break in service.

The impugned order, dated 10-2-1998 speaks that the applicants absented themselves from duty on 28-1-1998 and also participated in the rally at Gorakhpur and, therefore, there was a direction for break in service as also grant of leave without pay for the said day. The applicants assert that they were on duty on 10-2-1998 on refusal of leave.

It is significant to note that in any view of the matter, we get a definite impression that there was no show-cause notice issued to the applicants before passing the impugned order. It goes without saying that the real impute of the impugned order would be that, due to break in service, they would be deemed to have been removed and re-employed, and accordingly, there will be loss of their past services. The applicants would be put to pecuniary loss not only because of treating the relevant date as leave without salary but also because of fixation of pension and retiral benefits. This would certainly be an infringement of the civil right to the applicants and in that view of the matter the impugned order having been passed without an opportunity to show-cause was in utter violation of the principle of natural justice. We are of the view that on this score alone the impugned order was not sustainable in law.

This OA must succeed and accordingly is allowed. The impugned order, dated 10-

2-1998 is quashed and set aside. The respondents would, however, be at liberty to pass an appropriate order in regard to the absence of the applicants on 28-1-1998, under due process of law after giving opportunity to the applicants to defend themselves. This liberty would be availed of by the respondents only when the relevant records positively speak that they abstained from duty assigned on the relevant date and also had actively participated in any unlawful activity at Gorakhpur and otherwise any such exercise would be deemed to be vexatious, more so, when the applicants are on the verge of retirement on superannuation.

[*Sheo Parsi Prasad Rai and another v. Union of India and others*, 10/2001, *Swamysnews* 70, (Patna), date of Judgment 2-2-2001.]

O.A. No. 83 of 1999

4

Award of backwages is the normal rule where a termination is declared illegal unless there were reasons on record to justify a departure from this rule.

Held : The applicant herein has sought for relief by way of quashing and setting aside an order, dated 5-11-1996 issued by the respondent No. 4 treating the applicant's absence from duty for the period from 12-2-1993 to 9-5-1995 as dies non. It has been further prayed for direction upon the respondents to disburse the pay and allowances, together with increments for the aforesaid period and also to appoint him on the post of Postman substantively from the date his Junior, Syed Raza Imam, Respondent No. 6, was made permanent.

In order to resolve the issues raised, it is worthwhile to notice that the applicant's claim originates from the order, dated 16-11-1994 of this Tribunal passed in O.A. No. 85 of 1993.

It could be observed from the above order that the applicant's service as Temporary Reserve Postman had been terminated by an order, dated 10-2-1993 of the respondents authority and the same was impugned by the aforesaid O.A. No. 85 of 1993. The said OA was allowed in no uncertain terms directing the official respondents to reinstate the applicant on the post of Temporary Reserved Postman, which post the applicant was holding prior to termination of service by the impugned order. The applicants' appointment on the said post was upheld as valid and in accordance with statutory rules framed for filling up of the said post.

The order of this Tribunal did not clearly spell out as to how the period of absence, subsequent to termination and prior to reinstatement was to be dealt with. For such a situation, the Supreme Court has clearly laid down a principle in a judgment delivered in the case of [1995 SCC (L & S) 193] *Manorama Verma v. State of Bihar and others*. In the case before the Supreme Court, the finding of the High Court was that, initial appointment of the employee was valid and no appeal was filed by the State against such finding. Since the

termination was declared to be illegal, the Supreme Court expressed its opinion that ordinarily the consequential order of grant of backwages must follow unless there were reasons on record which would justify a departure from the normal rule. That being as such, even though the High Court denied backwages to the concerned employee from the date of termination of service till he was reinstated in service, the Supreme Court directed payment of backwages. The case in hand also squarely falls in the category of the aforesaid case decided by the Supreme Court.

In the circumstances, we find no alternative than to direct the official respondents to make full payment of salary and allowances admissible in law to the applicant for the relevant period from 12-2-1993 to 9-6-1995 with all consequential benefits such as, maintaining his seniority vis-a-vis, respondent No. 6, Syed Raza Imam and further to consider the case for appointment on substantive basis.

[*Kapildeo Pandey v. Union of India and others*, 10/2001, *Swamysnews* 79, (Patna), date of judgment 1-1-2001.]

O.A. No. 506 of 1996

5

Where there is delay in the payment of retirement benefits which is not attributable to the retirees, interest becomes payable including on the grace period.

Held : The OAs have been filed by five different applicants against the same respondents, viz., N-F Railway. The applicants in all the OAs are retired Officials of N-F Railway and they have claimed interest on delayed payment of part of retiral benefits and thus the reliefs claimed are one and the same in all the OAs. The respondents submitted that there was no delay in the release of the retiral benefits in respect of the applicants and that they were paid the same immediately after their retirement except of DCRG and commutation of pension. The DCRG was delayed in each of the cases because no due certificate was to be produced/procured from the last controlling officers of the applicants from where they retired. The receipt of the certificate took time. As a result there was delay in release of the DCRG and Commutation Pension of amount according to the un-revised rules.

From the above, it is clear that delay did occur in the case of payment of DCRG and commuted value of pension both under the un-revised orders and revised orders relating to pension and commutation of pension. The rules on the subject are very clear and they provide, whenever there is delay in payment of the retiral benefits which is not attributable to the retirees, interest should be paid. We have a large number of decisions in support of this. Even the order, dated 21-9-2000 in O.A. No. 1517 of 1999 ordered the grant of interest at the rate of 12% in a similar case. The respondents have taken the plea all along in their submissions and pleadings that wherever interest is payable due to delay not attributable to the applicants, the same should be paid after deducting the grace period of 2/3/6 months provided for different categories of retiral benefits. We do not agree with this view. The grace

period is given at the cost of beneficiaries or retirees, etc., to the Administration to settle the claim during that period, perhaps, keeping in view the office procedure which involve consultation at different levels and approval/sanction of different authorities. If the administration fails to settle the claim within the grace period they have no right whatsoever to claim the advantage for the said grace period, if the payments are made beyond that grace period. The administration has to pay for its delay including the grace period. It is for the administration to fix the responsibility for such delay and take administrative action to recover the amount becoming payable to the retirees from the official who is found responsible. Once the period has been exceeded and the same has been done in all these applications, the respondent authorities are duty bound to make payment of the interest at the rate of 12% from the date the same is becoming due.

[Siba Prasad Roy and others v. Union of India and others, 9/2001, Swamysnews 80, (Kolkata), date of judgment 17-1-2001.]

O.A. No. 217 of 2000

6

Non-payment of final pension and other retiral benefits pending regularization of period of suspension, not justified.

Facts : Applicant has prayed for a direction to the respondents to pay final pension with immediate effect with the arrears and interest of 18% per annum. He has also prayed that the respondents may be directed to pay gratuity and leave encashment and other retiral benefits with interest. Applicant was serving as Class IV employee in the Office of Commandant, Central Ordnance Factory at Agra. Applicant retired from service after completing the age of 60 years on 28-2-1995. In counter-affidavit, it has been stated that the applicant was involved in a criminal case. He was detained in judicial custody exceeding 48 hours and he was put under suspension from 1-11-1978 to 16-12-1978 vide order, dated 24-5-1979. The trial of the applicant was held in the Court of the III Additional judge, Agra and he was convicted vide judgment, dated 21-1-1981. He filed an appeal in High Court in which he was granted bail. The appeal is still pending and during pendency of appeal applicant has retired. Applicant is being paid a provisional pension but for regular pension no steps could be taken as appeal of the applicant is still undecided and the period of suspension can be regularized only after the appeal of the applicant is decided. Until the period of suspension is regularized applicant cannot be granted pension and other retiral benefits.

Held : It is not disputed that no order was passed against the applicant either dismissing him or removing from service and he was allowed to retire on 28-2-1995. No disciplinary proceedings were initiated against him which may be continued even after his retirement. Since after retirement more than four years have already passed, the departmental proceedings cannot be initiated even after obtaining sanction of the Hon'ble President of India. The respondents have raised that as period of suspension has not been regularized, he is not entitled for pension. In my opinion, this plea raised cannot be accepted for the

reason that suspension does not cause any discontinuation or break in service. The legal consequence of the order of suspension is that, applicant is not allowed to work on the post and he is paid subsistence allowance as per rules which may vary from time to time. Thus, even if the period of suspension remains unregularized, the pensionary benefits cannot be denied to the applicant. At the most, applicant could be deprived of the salary of suspension period, that too after full-fledged departmental proceedings which had not been done in this case. In these circumstances, in my opinion the stand taken by the respondents is not justified and there appears no legal hurdle in granting pension to the applicant with all retiral benefits for which he may be entitled. However, as the applicant was involved in a criminal case under Section 147, IPC and has been convicted, the delay on the part of the respondents appears to be on the basis of misconception of the legal position and the delay is not also such that the interest may be awarded to the applicant.

[Gyasi Ram v. Union of India and another, 8/2001, SwamysneS 63, (Allahabad), date of judgment 12-12-2000.]

O.A.No. 778 of 1995

7

Circumstances under which a challenge to an order of transfer is sustainable

Held : In this application, the petitioner has prayed for quashing the order, dated 12-11-1999, transferring the applicant from the post of Head Clerk, Kendriya Vidyalaya, MCL, I b Valley Area, Brajaraj Nagar to Kendriya Vidyalaya, Jhagrakhand in Madhya Pradesh and for a direction to the respondents to post the applicant to any Kendriya Vidyalaya at or near about Bhubaneswar. The first ground on which the applicant has challenged his transfer order is that, he is the Regional Secretary of the Union. In the circular, dated 15-1-1999, of Kendriya Vidyalaya Sangathan, it has been mentioned that victimization of teachers because they happen to be Office Bearers of a recognized association should not be allowed. This circular is really not applicable to the petitioner's case because this relates to teachers only. The other circular, dated 5-4-2000, is not applicable since the transfer order has been issued on 12-11-1999. It has been mentioned in this circular that in case of Office Bearers of recognized association, the proposal for transfer will require recommendation of the Assistant Commissioner and the Principal as also the Chairman of the Vidyalaya Managing Committee and no such proposal was sent for transfer of the applicant from Brajaraj Nagar to Madhya Pradesh.

The second contention of the learned Counsel for the petitioner is that, in OJC No. 5039 of 1996 filed by him challenging his transfer from Bhubaneswar to Dhanbad, the respondents had given a commitment that the applicant's case would be considered when an additional post of Head Clerk is created for Kendriya Vidyalaya, Balasore and even though the post was created his case was not considered. In view of the above commitment before the Hon'ble High Court, it is only proper that the respondents consider the applicant

In the present case, the impugned order appears to be erroneous for two reasons, viz. (a) the reasons for disagreement have not been recorded by the Disciplinary Authority and (b) it had not considered the representation made by the applicant in response to the reasons for disagreement. The law is well settled that it was necessary for the Disciplinary Authority to consider the representation of the charged officer and then only come to the conclusion as to the truth or otherwise of the charges. Otherwise it would be an empty formality. In the circumstances, the OA succeeds. The impugned order is set aside. The Disciplinary Authority is directed to consider the Enquiry Officer's report afresh and pass fresh order in accordance with law. This should be done within a period of two months from the date of receipt of a copy of this order.

[K.G. Mohanachandran v. Union of India, 7/200, Swamysnews 74, (P.B., New Delhi), date of judgment 25-8-2000.]

O.A. No. 1801 of 1997

9

Procedure to be followed by the Disciplinary Authority where he differs from the findings of Enquiry Officer.

Facts : Applicant was proceeded against departmentally on the allegation, dated 14-1-1991, that he wilfully and unauthorizedly absented himself on as many as 13 different occasions between 28-9-1989 and 4-12-1990 for varying periods and was thus a habitual absentee who had violated the instructions contained in Standing Order No. 111/88. The Enquiry Officer in his findings, dated 26-4-1991, held applicant partly guilty of the charges. In respect of one such absence, the Enquiry Officer specifically held applicant not guilty and in respect of two other absences he held that the applicant's contentions did have some force although it was mandatory on the applicant's part to have obtained prior permission of his superior officer before absenting himself. On behalf of the applicant, it was contended that the Disciplinary Authority in his impugned order, dated 10-7-1991, has differed with EO's findings, dated 26-4-1991 but no opportunity was given to the applicant of being heard before such difference was recorded and no reasons were recorded by the Disciplinary Authority why he differed, which has violated the principles of natural justice.

Held : In our view, the ratio of the rulings of (i) [JT 1998 (5) SC 548] Punjab National Bank and others v. Shri K.B. Misra (ii) [1998 SSC (L & S) 875] State of Rajasthan v. M.C. Saxena (iii) [1969 SLR 657] Narain Misra v. State of Orissa are squarely applicable to the facts of the present case. While the Enquiry Officer held the applicant only partially guilty of the charge, the Disciplinary Authority without recording any reasons why he differed and without giving applicant an opportunity of being heard, held the charges against the applicant to be fully proved, and on that basis dismissed the applicant from service vide impugned order, dated 16-7-1991, which has also been upheld in appeal vide impugned order, dated 10-1-1992. In the light of the above said rulings, the impugned order of the Disciplinary Authority and of the Appellate Authority cannot be legally sustained.

In the result, the OA succeeds and is allowed to the extent that the impugned order of the Disciplinary Authority and the Appellate Authority are quashed and set aside. Following the Hon'ble Supreme Courts' ruling in [JT 1996 (5) SC 403], State of Punjab v. H.S. Greasy the matter is remitted to the Disciplinary Authority to follow the procedure from the stage of receipt of the applicant's representation to the Enquiry Officer's findings and to pass fresh orders in accordance with law.

[Ex-SI Bholu Ram Meena v. Additional Commissioner of Police and another, 7/2001, SwamysneS 74, (P.B., New Delhi), dated of judgment 28-8-2000.]

O.A. No. 3267 of 1992

10

Where the punishment imposed is shockingly disproportionate to the charge, it is the duty of the Tribunal to interfere.

Facts : At the relevant time, the applicant was functioning as Travelling Ticket Examiner (TTE) under the Asansol Division of Eastern Railway. On 27-8-1988, he was on duty in Train No. 88 DN Patna-Tata Express. While he was on duty, a surprise check was conducted by a team of CBI/SPE, Patna in the said train. One Shri L.M. Chowdhury, an Inspector of the CBI team acted as a decoy passenger and approached the applicant for a reservation of berth in second class sleeper coach. It is alleged that in the presence of some witnesses, who are members of the CBI team including two alleged independent witnesses from State Bank of India, Patna, Vigilance Wing, between Fatwah and Baktiarpur, the applicant allotted a berth No. 73 to Shri Chowdhury and took from him Rs. 15 as reservation charges for which a receipt was given but additionally he also demanded Rs. 10 as illegal gratification. The payment of Rs. 25 in denomination Rs. 10 and Rs. 5 which were pre-marked by the CBI officials, was given to him and recovered subsequently from his person in presence of the aforesaid witnesses. Thereafter, the applicant was apprehended and FIR was lodged with GRP/BKP on the same date, i.e., 27-8-1988. He was, thereafter served with a major penalty charge sheet under Rule 9 of the Railway servants (Discipline and Appeal) Rules on 6-12-1988. The applicant retired from service on 30-11-1990. Therefore, for awarding appropriate punishment, the case was referred to the Railway Board for obtaining Presidential sanction as per rules. The applicant was paid his PF dues, Group Insurance, leave salary and provisional pension. The applicant filed an O.A. 1466 of 1994, claiming his final pension, commuted value of pension and DCRG. The application was disposed of on 3-4-1995, by directing the respondents to release 50% of the DCRG and to complete the disciplinary proceedings after obtaining Presidential sanction as per rules within six months. In terms of this order, the applicant was paid 50% of the DCRG. The Disciplinary Authority's case was also forwarded to the Railway Board through the CPO after obtaining necessary recommendation of UPSC, the final order of the President withholding the entire portion of his pension on permanent basis was passed and communicated by the impugned order. Hence, this O.A.

Held : We are well aware that the Court or the Tribunal should not ordinarily interfere with the quantum of punishment imposed upon the delinquent. However, when the punishment imposed is shockingly disproportionate to the charge, it is the duty of the Court or Tribunal to interfere. Here, both the Disciplinary Authority and the Reviewing Authority, who are different persons and are very high officials have decided to exempt the applicant and release all his pensionary dues. Their views were not considered by the UPSC while recommending withholding of the entire pension of the applicant. The applicant has served for a long time under the Railways and it is only at the fag end of his career that he was charged with taking illegal gratification of Rs. 10 only for which his entire pension was withheld on permanent basis. Moreover, the charge does not appear to have been proved beyond doubt as the Disciplinary Authority himself has questioned the same and he has exonerated the applicant from the charge. Even then his entire pension has been withheld by the Presidential order. In our opinion, this is a very unfortunate case and in the circumstances this is a fit case where this Tribunal should interfere. So far as the FIR lodged against the applicant there is nothing on record about its development, that is to say, whether any charge sheet has been filed or not. The respondents have not raised this point at all.

In view of the above, we quash the Presidential order, dated 26-7-1995, as communicated to the applicant by order, dated 9-8-1995 and direct the respondents to immediately finalize his pension and pay the applicant all his pensionary and retrial dues within three months from the date of communication of this order.

[Ram Saroop Pandit v. Union of India and others, 4/2001, SwamysnewS 73, (Calcutta), date of judgment 30-10-2000.]

O.A. No. 1059 of 1995

11

Where transfer of an employee is a colourable exercise of power emanating from malice against the employee, the same cannot be sustained.

Held : Applicant's case is that, while working as a Postgraduate Teacher (PGT) Chemistry in Kendriya Vidyalaya No. 1 (Air Force) Jodhpur, she has been transferred to Kendriya Vidyalaya, Nagrota (Jammu) vide respondent's letter, dated 26-11-1999. She has been relieved on 29-11-1999, and her representation against transfer has been rejected vide respondent's letter, dated 7-1-2000. The applicant has joined her new place of posting under protest. Contention of the applicant is that, she had been transferred out of Jodhpur, because of malice of the Principal, Kendriya Vidyalaya No. 1 (Air Force) Jodhpur and bias on the part of the Commissioner, K.V. Sangathan, New Delhi.

The respondents have tried to make out a case that applicant was forcing the students to take tuitions from her. In support of their contentions, respondents filed complaints. All these complaints bear dates in August-September, 1999, All these complaints appear to be bogus as in most of them the identity of the complainant is not verifiable. The applicant had been working in that School since 30-11-1994. It looks strange that all the complaints have emerged during the incumbency of the Principal.

To us it appears to be a case of personality clash between the Principal and the applicant and to prove his might the Principal made out a case against the applicant and got her transferred to Nagrota. We also find that even the Commissioner has not applied his mind to the situation and transferred the applicant to Nagrota without providing a substitute in Jodhpur School. What was the necessity of transferring the applicant to Nagrota (Jammu) alone and not to any other place has also not been explained by the respondents. Apparently, the Commissioner, has passed the orders in collusion with the Principal.

We, therefore, conclude that transfer of the applicant from Jodhpur to Nagrota is a colourable exercise of power emanating from malice against the applicant. In the circumstance, transfer of the applicant to Nagrota cannot be sustained. Accordingly, the original application is allowed. Impugned order, dated 26-11-1999, is declared illegal and quashed. The applicant would be brought back to her previous place of posting, i.e., Jodhpur within one month from the date of receipt of this order. The applicant would also be entitled to a cost of Rs. 2,000.

[Sudha Joshi (Smt.) v. Union of India and others, 4/2001, SwamysneS 98, (Jodhpur), date of judgment 11-8-2000.]

O.A. No. 43 of 2000

12

It is now well settled position that the representation against the adverse entries requires to be disposed of by a speaking order.

Facts : The applicant who is serving as a TGT in the Kendriya Vidhyala Sangathan, Chandkheda, Ahmedabad, has moved this OA for the expungement of the adverse entries in the C.R. passed against him for the year ending June, 1998. The applicant, on the communication of the adverse remarks passed against him had given a representation, dated 8-10-1998. The respondents on consideration of the representation of the applicant had expunged the entries of Column Nos. 2 and 3 but had not expunged the entries of Columns 1 and 4 on performance not being up to the marks and habitual absence without permission. The applicant had again submitted a representation, dated 1-10-1999, to the respondents for the expungement of the 1st and 4th entries but the respondents had rejected the representation of the applicant and had refused to expunge the said entries. The applicant has, therefore, moved this OA and prayed that both the adverse entries be expunged.

Held : It appears that this is a clear case flagrant violation of the guidelines given by the Government for writing the adverse entries and also dealing with the representation against the adverse entries by the employee concerned. It is now well settled position that the representation against the adverse entries requires to be disposed of by a speaking order. In the instant case, though a detailed representation was given by the applicant for the expungement of the adverse remarks made in his ACRs. The Assistant Commissioner of the KVS has disposed of the representation by order, dated 3-12-1998, on the following lines. "However as regards his adverse remarks at Column Nos. 1 and 4, there is no ground/justification for expunction and, therefore, the appeal to expunge the adverse remarks in Column Nos. 1 and 4 are rejected.

No reasons whatsoever are given by the Assistant Commissioner for rejecting the appeal of the applicant. The order, therefore, cannot be said to be a speaking order. Furthermore, nothing is shown by the respondents to substantiate the allegation that the performance of the applicant was not up to the mark and there was unrest among the students and parents for the applicant's attitude and behaviour towards the classroom instructions. Though the applicant had maintained in his rejoinder that his performance was quite good and that no complaint whatsoever was received against him from any quarter, nothing is shown by the respondents to substantiate the said allegation. It, therefore, clearly transpires that the adverse entry was made without any material against the applicant on record. Similarly, so far as entry No. 4 is concerned, the report given by the Principal, dated 24-2-2000, to the Assistant Commissioner clearly suggests that the applicant could not have been said to be a habitual absentee. It might be that on one occasion he might have overstayed the leave but then it cannot be construed as habitual absentee and invite an adverse entry in his ACR. It is difficult to understand how the applicant can be faulted if he had fallen sick and applied for the medical leaves *ex post facto*.

In the case of [1995 (15) ATC 349.] S. Thiagarajan v. Union of India and others, the Calcutta Bench of the CAT has laid down that any representation against adverse remarks cannot be disposed of peremptorily without assigning reasons. Similarly, in the case of [1989 (9) ATC 160] D.H. Saraspara v. Union of India and others this Tribunal has held that the representation against enforcement of efficiency bar can be rejected only by a speaking order. In the case of [1989 (11) ATC 145] R.P. Sharma v. Union of India, the Chandigarh Bench of the CAT has held that the non-supply of the evidence in support of adverse remarks vitiates the remarks. In the case of [(1992) 19 ATC 210] All phones Louis Earayl v. Secretary to Government of India and another, the Ernakulam Bench of this Tribunal has held that the representation against adverse remarks, if rejected by non-speaking order, the order is bad in law. In the instant case, since no material is shown on which these remarks were passed, we have no hesitation in concluding that the same requires to be expunged.

[Mohanlal Atwal v. Union of India and others, 6/2001, SwamysnewS 62, (Ahmedabad), date of judgment 7-11-2000.]

O.A. No. 35 of 2000

13

It is settled law that any order detrimental to the interest of the citizens shall not be passed by the Government without affording reasonable opportunity to show cause against such action.

Facts : The grievance of the applicants is that, they have been selected, and appointed in service in accordance with the procedure prescribed by the Appointing Authority for such selection, their appointments were suddenly cancelled by the respondents vide their letter, dated 4-12-1998 on the basis of the direction of the Director-General of Health Services, reasonable No. 2, without assigning any reasons and without giving them any

reasonable opportunity to state their case before taking action for cancellation. The learned Advocate on behalf of the applicants contended that the applicants are unemployed youths and they have registered their names with the Employment Exchange for job and they got the letter of interview on the basis of the names recommended by the Employment Exchange and accordingly they appeared in the interview conducted by the Selection Committee and they were selected by the Selection Committee and got offer of appointment and they also accepted the offer of appointment. So, their terms of contract is finalized and they got right of appointment in service and hence, thereafter the respondents cannot cancel the offer of appointment without cogent reason and affording any reasonable opportunity of being heard to them before the action of cancellation. The learned Advocate appearing on behalf of the respondents contended that the instant selection has been done by respondent No. 3 in violation of the procedure prescribed for recruitment and the respondent No. 3 conducted the selection of the applicants defying order of the higher authority who asked the respondent No. 3 by letter to defer the interview on the basis of the allegation received against him from the senior officers of the Airport. The respondent No. 3, ignored the instructions issued to him from time to time and he conducted the selection in violation of the procedure prescribed for that selection and, therefore, respondent No. 2 being the higher authority of respondent No. 3 had rightly cancelled the order of appointment of the applicants since the selection was not made by respondent No. 3 in a fair manner in accordance with the rules. Counsel further contended that the respondents had the right to terminate the services of the applicants even after appointment without assigning any reason. In view of Para. 2 of the offer of appointment where it has been stated that the appointment will be purely on a temporary basis and their service terminable without notice or reasons being assigned to them. So, the applicants should not have any grievance for the cancellation of order of appointment.

It is settled law that any order detrimental to the interest of the citizens shall not be passed or issued by the Executive Authority under the State or Central Government without affording reasonable opportunity to state the case against the action taken. In the instant case, no reasonable opportunity has been given to the aforesaid applicants before the order of cancellation of the offer of appointment. Therefore, we are of the view that the action of the respondents are violative of the principles of natural justice and it attracts Articles 14 and 16 of the Constitution. Besides this, it is contended by the Counsel that right of termination is embodied in the offer of appointment and therefore, no irregularity has been committed by the respondents by terminating the service without notice. We are of the view that the termination of appointment on the ground of irregularity cannot be made by the respondents on the basis of Para. 2 of the letter of appointment. It is admitted fact that the applicants have not been appointed in this case after acceptance of the offer by the applicants; so the right of termination is not applicable here. Besides, we find that the respondent No. 3 is the Appointing Authority. The Chandigarh Bench of this Tribunal in *Nand Lal v. Union of India and others* [1992 (1) ATJ 611] has also held that after the applicant was selected as EDBPM

after completing all the requisite formalities, the higher authority cannot cancel such appointment without giving reasonable opportunity to the applicant to defend his case and such action of the authority is violative of the principle of natural justice and cannot be sustained. We also endorse the said view in this case. Therefore, we find that the applicant have genuine grievance in this case and we find that the order of cancellation is arbitrary and illegal and violative of the principle of natural justice and hence the order of cancellation, dated 4-12-1998 is not sustainable. Accordingly, we set aside the order of cancellation.

In view of the position stated above, we allow the application and direct the respondents to consider the case of the applicant for issue of letter of appointment in favour of the applicants on the basis of the letter of acceptance of the offer submitted by the applicants after obtaining the medical fitness certificate and making police verification regarding character antecedents to the applicants in accordance with the rules within three months from the date of communication of this order.

[*Monish Aich and others v. Union of India and others*, 7/2000, *Swamysnews* 67, (Calcutta), date of judgment 20-1-2000.]

O.A.No. 1504 of 1998

14

Non-intimation about absence results in unauthorized absence but this does not empower the authorities to proceed with the enquiry without complying with Rule 14 (4) of CCS (CCA) Rules

Facts : The applicant who was a Fireman in Naval Armament Depot, Trombay, under respondents, was apprehended and arrested by the Bombay Police on 20-7-1990 and detained and charged under TADA, 1987; he was, thereafter, constantly in jail and not allowed to communicate with any one outside except family members who called on him. Applicant contends that he has told the members to inform respondents about his arrest. Applicant goes on to say that he was acquitted in the special case of 42/91 and, thereafter, he went to resume duty. However, he was informed that he had been removed from service for long unauthorized absence. Applicant then alleges that the enquiry on which basis he was punished with removal from service, was done behind his back and hence, he was denied natural justice. The respondents strongly make the point that the enquiry was not conducted behind the back of the applicant and gave details of the efforts made by them to contact and serve notices on the applicant at his known permanent and local addresses. These were returned by the Postal Authorities with appropriate remarks. Finally, a notice was published in Marathi Newspaper on 12-4-1992. It was after the postal notices that enquiry was conducted and hence the enquiry, having been done after following due procedure of notice, was fully legal. There was no violation on the part of the respondents of the principle of natural justice.

Held : We agree with the contention of the learned Counsel for the respondents that it was the duty of the applicant to intimate the respondents for his absence and arrest also,

which the applicant failed to intimate. Not to intimate about absence results in unauthorized absence, but it does not mean that the respondents can proceed with the enquiry by non-complying Rule 14(4) of CCS (CCA) Rules. In a similar way, if the applicant fails to intimate about his arrest, it may be a misconduct, but by omission to do so, his right to have charge sheets, etc., is no way suspended or affected and respondents are not relieved of the responsibility from serving the charge sheet, etc., on the applicant, Failure to comply with Rule 14 (4) vitiates the proceedings ab initio.

A perusal of Rule 14 (4) of the CCS (CCA) Rules makes it clear that the Disciplinary Authority is duty-bound to deliver or cause to be delivered to the Government servant, a copy of the articles of charge and the statement of imputations by which each of the articles of the charges is proposed to be sustained.

In this case there is an endorsement of the Postal Authorities 'Not known' and 'Not claimed. Regarding 'Not claimed' it is suffice to state that the applicant was in jail during the said period. Hence it cannot be treated that the applicant knowingly avoided the services or refused to accept the said letter. Regarding 'Not known', it is suffice to state that Postal Authorities were not able to serve for want of complete address or inspite of their best effort to trace the addressee. Thus there was no proper service of the Article of charge, the statement of imputation of misconduct or misbehavior and a list of documents and witnesses.

We have taken judicial notice of a recent judgment of the Hon'ble Supreme Court in the case of Union of India and others v. Dinantha Karekar and others [AIR 1998 SC 2722]. The Apex Court here has held that actual service of charge sheet is essential and theory of communication cannot be invoked. The ratio of this case is applicable to the case before us.

As the applicant was not served with the charge sheet, the penalty order and appellate order are quashed and set aside, case remitted back to the Disciplinary Authority to proceed further after serving the charge sheet in accordance with law. Thus the respondents after following the procedure beyond this stage are competent to take a decision on merits. Respondents will be competent to take a decision as to how the period from the date of dismissal to the date of decision is to be treated. Meanwhile, it is not intended that the applicant would be reinstated.

[Nikumar P. Walawalkar v. Union of India and another, 9/2000, Swamysnews42, (Mumbai), date of judgment 19-1-2000.]

O.A. No. 274 of 1995

15

Recovery in respect of alleged loss, from DCRG after three months of retirement of the employee could not be upheld

Held : This is an OA filed by the applicant seeking a direction to the respondents to make payment of Rs. 66,901 which has been deducted from Gratuity (DCRG) for the

alleged less collection of the freight charges.

The short question to be decided is whether the recovery in respect of alleged loss caused by the applicant for less collection of freight charges could be done from DCRG ? On referring to the Railway service (Pension) Rules, 1993, it is noticed that Rule 15, provisions have been made with regard to recovery and adjusting of the dues from pensionary benefits. Sub-clause (iv) provides that loss caused by the Railway servant is required to be deposited by the retiring Railway servant or could be withheld from the gratuity payable to him, but the amount shall not be disproportionately large. It is further provided that dues required to be recovered are to be assessed and adjusted within a period of three months from the date of retirement of the Railway servant concerned. The provision in the Rules clearly mentions that department must take timely action to assess the loss, so that the retirement benefits can be paid without any delay. In the present case, it is noted that the alleged loss pertains to the period of 1994 and till retirement no action had been taken by the respondents. It is further noted that only on 30-2-1998, that is almost after one year of retirement of the applicant show-cause notice was issued to the applicant fixing the responsibility and amount required to be recovered from the applicant. The applicant has also brought out that only on 28-1-1998, as per R-1, an enquiry was conducted with regard to loss of revenue on account of less collection of freight charges. He has further stated that Divisional Commercial Manager as per letter, 18-5-1994, before retirement has brought out that the applicant was not responsible for the loss caused. From these facts, it is clear that no decision had been taken with regard to the liability of the applicant before retirement and even within a period of three months as specified in the Rules. The respondents have taken almost one year to decide the liability of the applicant and this has resulted in delayed payment of DCRG. Since the respondents have not taken action to decide the liability within a period of three months as per the Rules, I am inclined to accept the contention of the applicant that recovery of loss, if any, could not be adjusted in the DCRG.

In the result the OA is allowed with a direction to the respondents to refund the amount recovered from the applicant which has been withheld from the DCRG within a period of three months from the date of receipt of a copy of this order. The applicant will be entitled to payment of interest at 12% excluding the period of three months from the date of retirement on the entire amount till the date of payment to be paid as per direction above.

[Arjun Antooji Meshram v. Union of India and another, 9/2000, Swamysnews 55, (Mumbai), date of judgment 18-2-2000.]

O.A. No. 228 of 1999

16

A Tribunal can interfere with a transfer order where it is found to be arbitrary and punitive in nature.

Held : This OA has been filed challenging the transfer of the applicant from Mumbai to Pune as per the impugned order, dated 11-7-1997 and the subsequent orders, dated 18-

11-1997, 19-11-1997 and 20-11-1997 passed thereof. The applicant at the time of filling the OA has carried out the transfer order. The OA has been filed with a prayer to declare the transfer as illegal and to post the applicant back to Mumbai.

The official respondents have averred that the transfer order has been passed in the interests of the administration. The official respondents were, therefore, asked to produce the relevant files dealing with the transfer of the applicant and the same have been made available. On going through the files, it is noted that the foundation of transfer is the complaints received against the applicant from the various sources viz., various Employees Unions, CGHS Staff and reports from the Additional Director, CGHS about the working and behaviour of the applicant. It is noted that the complaint received in 1994 from All India Post and Telegraphs Administrative Officers' Association was sent to the Additional Director for remarks and explanation of the applicant. She had also submitted her explanation. However, for the other complaints sent by the Additional Director, there appears to be no reference of having called the explanation of the applicant. If there are complaints about the work and behaviour of an official, it is conceded that in the interest of administration, it may be imperative to immediately shift the official from the scene pending investigation into complaints and taking necessary departmental action against him if the investigation/inquiry prima facie establishes the truth of the complaints. Transfer in such a situation may be a forerunner but cannot be used as a substitute for such a follow-up action on the complaints to get rid of the problem. In the present case, from the file it is noted that the Director (CGHS) while forwarding the proposal to Secretary for approval of transfer of the applicant based on the complaints received, had recorded :-

"It is also for consideration whether the transfer is the solution for a person stated to misbehave with patients as well as SC/ST personnel in CGHS, Mumbai. I feel that we should get an enquiry report and then proceed against her departmentally. Submitted for kind consideration."

With these remarks, file had moved to DGHS and Secretary for approval of transfer proposal. However, I do not find any order to conduct inquiry into the complaints as proposed by the Director, CGHS. This shows that transfer had been ordered just on the complaints and demand made by one Association for the applicant's transfer. In the face of these facts, the transfer is to be held punitive in nature as this has been used as a tool to shift the applicant out of Mumbai based on the complaints without establishing the truth of the same. As held by the Supreme Court in *Union of India v. S.L. Abbas* [(1993) 4 SCC 357] and *N.K. Singh v. Union of India* [1994 SCC (L & S) 1304], Court/Tribunal should exercise restraint in interfering with the transfer order as a transfer is an exigency of service. However, in present case, I find that the action of transfer is arbitrary and punitive in nature. The impugned transfer order, therefore, deserves to be interfered with.

In the result, the impugned transfer orders are set aside. The applicant will be posted back at Mumbai as Sr. CMO against one of the available vacant posts.

[*Prabhat Keshav Abhyankar (Mrs.) Dr. v. Union of India and others*. 9/2000, *Swamysnews* 65, (Mumbai), date of judgment 24-1-2000.]

Recovery of excess payments made due to a mistake committed by the department, from the retirement dues of an employee is not justified.

Facts : This is an application made by the applicant in grievance against the action of respondent No. 2 in ordering recovery of Rs. 17,034 from settlement dues and Rs. 8,418 from pension. The facts of the case as brought forth by the applicant are that he retired as Cabinman on 30-6-1996. Full settlement of dues as admissible, including pension was ordered. However, while arranging payment of his dues, the respondents informed him that his pay fixation, made earlier, had been revised and consequent to such revision, an amount of Rs. 17,034 had been found to have been in excess and had been recovered. Applicant goes on to say that from the details furnished, it is seen that there were certain periods of absence of the applicant within the period between 1-8-1993 and 1-3-1996. Postponement of the increments which should consequently have been made were not made in time and this was detected only on retirement of the applicant. Learned Counsel for the respondents argued that this was a simple case of mistake having been made in not revising the increment dates earlier as per settled law. Respondents were fully within their rights to correct a mistake and this was all what was done. Increment dates have been postponed after several years having been detected at the time of retirement thus leading to recovery of overpaid amounts as per rules. No notice was required to be given in such cases.

Held : Judicial notice can be taken of a case decided by the Supreme court in *Shyam Babu Verma and others v. Union of India and others* [1994 (2) SCC 521]. It has been held by the Apex Court at Para 11 as follows :

"Although we have held that the petitioners were entitled only to the pay scale of Rs. 330-480 in terms of the recommendations of the Third Pay Commission with effect from 1-1-1973, and only after the period of 10 years, they became entitled to the pay scale of Rs. 330-560, but as they have received the scale of Rs. 330-560 since 1973 due to no fault of theirs and that scale is being reduced in the year 1984, with effect from 1-1-1973, it shall only be just and proper not to recover any excess amount which has already been paid to them. Accordingly, we direct that no steps should be taken to recover or to adjust any excess amount paid to the petitioners due to the fault of the respondents, the petitioners being in no way responsible for the same".

On the basis of the principle decided in the above case, it would meet the ends of justice if it is held in the present case that whilst the revision of the dates of increment is valid, the recovery that it entails in view of erroneous payments of higher amounts in the past should not be made. In view of the above, the OA is partly allowed.

The revision of the dates of increments made in the case of the applicant due to absence of the applicant for certain periods between 1983 and 1986 is held to be valid. Payments of pension would be regulated in terms of the fixation of pay arrived at accordingly. However, no recovery shall be made by the respondents from the amounts already paid to the applicant for the past period as salaries, etc., and any amount recovered

on such cause shall be refunded to the applicant. The relevant orders are hereby quashed to the above extent.

[*Sheikh Rasool v. Union of India and another*, 11/2000, Swamysnews 83, (Mumbai), date of judgment 23-3-2000.]

O.A. No. 878 of 1998

18

Punishment of 'censure' imposed after disciplinary enquiry will come in the way of promotion

Held : The applicant had been issued a charge sheet in 1989, which got concluded only in April, 1990, with imposition of punishment of "Censure". The applicant had not disclosed this fact in the OA. The applicant during arguments submitted that the punishment of Censure will not come in the way of promotion and if the case of the applicant had been kept in "sealed cover", after conclusion of the disciplinary proceedings in April, 1990, the applicant would have been entitled for promotion after opening of the 'sealed cover'. This contention of the applicant is not supported by the extant rules. Once any punishment, even a minor one, had been imposed, the 'sealed cover' cannot be opened and the employee given promotion retrospectively. In this connection, we refer to the judgment of the Hon'ble Supreme Court in the case of State of M.P. and another v. I.A. Quareshi [1999 (1) SC SLJ 165]. The Hon'ble Supreme Court has held that once a penalty even if minor has been imposed, the sealed cover cannot be opened to give effect to promotion. In view of this, the claim of the applicant that he is entitled for promotion even after punishment of 'Censure' is not sustainable.

[*Dewaji Ramji Gurumukhi v. Union of India*, 2/2000 Swamysnews 80, (Mumbai), date of judgment 1-6-1999.]

O.A. No. 996 of 1992

19

Orders of suspension takes effect from the date of transmission irrespective of the date of receipt by the employee.

Held : This OA has been filed by Shri Kailash Chandra Gupta Junior Assistant in the Office of the Deputy Commissioner, Chandigarh feeling aggrieved by order, dated 20-2-1999 by which he has been ordered to be placed under suspension. He pleads that this order was not communicated to him till 1-3-999 and, thereafter, there were holidays and he filed this OA on 3-3-1999.

The law regarding an order of suspension being effective from which date has come to be considered by the Hon'ble Courts in various cases. In the case of State of Punjab v. Khemi Ram [AIR 1970 SC 214], the Government servant therein had been granted leave

preparatory to retirement and while he was on leave, order suspending him from service was passed and a telegram was sent to his home address informing him of the said suspension. It was, however, received by him after the date of his retirement. The question was, as to whether the order of suspension had become effective in this case after sending of the telegram. The Hon'ble Court held that the order of suspension has to be communicated and once such order is sent out for the purpose of information of the person likely to be affected, it goes out of the control of the authority concerned and, therefore, there would be no chance whatsoever of changing the mind of the authority issuing it, or to modify it. It was also held that once such an order is issued and sent out to the concerned Government servant, it must be held to have been communicated to him, no matter that he actually received it or not. Thus it does not become effective from the date of actual receipt by him, but becomes effective from the date of such transmission. This law was followed by the Hon'ble Supreme Court in another case B.J. Shelat v. State of Gujrat [AIR 1978 SC 1109], and State of Punjab v. Balbir Singh [AIR 1977 SC 61]. However, the crucial above aspect of academic importance in this case, is the main relief sought, i.e., quashing of the order of suspension. The relevant file, produced by the respondents, indicates that though the order was passed on 20-2-1999, but it was issued on 4-3-1999 by the office and one Shri Shoban Singh, Peon, was deputed to deliver it to the applicant. The applicant was not available at his residence and at about 12.45 p.m. came with the interim orders dated 4/3/99 passed by the CAT office notings indicate that in view of such orders of the Tribunal, the suspension orders could not be issued to the applicant. This is the opinion formed by the respondent department. This Court has nothing to add to it. However, the legal position has been explained as above.

The file produced indicates that due to one incident, action of the applicant was taken to be misconduct and notes were put up by two different officials which went up to the Home Secretary who has taken a decision to place him under suspension for misconduct and insubordination. The Home Secretary has ordered for preparation of a proper charge-sheet to be issued to the applicant within the time frame mentioned. In this case, thus, it is quite clear that the suspension order has been passed in contemplation of disciplinary proceedings. In these circumstances, this Court does not find any material at this stage to interfere with the decision and order, placing the applicant under suspension after the alleged act of misconduct or insubordination.

[*Kailash Chander Gupta v. Union of India and others*, 2/2000 Swamysnews 87, (Chandigarh), date of judgment 13-5-1999]

O.A. No. 170-CH of 1999

20

The Appellate Authority must give a personal hearing to the delinquent employee before disposing of the appeal.

Held : We have gone through the appellate order passed by the Appellate Authority and we find that the Appellate Authority also acted mechanically and the applicant was not

allowed any personal hearing before the disposal of the appeal filed by the charged official and the Appellate Authority also did not consider the representation against the enquiry report filed by the charged official. The Hon'ble Apex Court has held in the case of Ramchander v. Union of India and others [1986 (2) SLR 608] decided on 2-5-1986, that the Appellate Authority must give a personal hearing to the applicant before disposing of the appeal and it was necessary to provide an opportunity of personal hearing and the matter has been clarified by the Hon'ble Supreme Court stating that now before the penalty is imposed no opportunity of personal hearing is given to the appellant to represent against the penalty proposed to be imposed upon the charged official. So personal hearing is essential in order to give further opportunity to the applicant to represent his case and in view of the circumstances, we find that the Appellate Authority also denied to the applicant reasonable opportunity of being heard in this for the purpose of rendering fair justice to the applicant. Therefore, the order of punishment, dated 19-4-1991 and the report of the Enquiry Officer as well as orders of the Appellate Authority and Revisional Authority are liable to be quashed and we direct the respondents to reinstate the applicant in service with all consequential benefits as admissible to him forthwith. Since allegations are of serious nature and departmental proceedings against other officers involved are pending till date, liberty is given to the respondents to start a de novo enquiry against the applicant on the basis of the charge-sheet and to pass appropriate orders in accordance with the rules.

[Kedar Mistry v. Union of India and others, 5/2000 Swamysnews 59, (Calcutta), date of judgment 3-9-1999.]

O.A. No. 353 of 1996

21

Charge of unauthorized absence from duty not survives where the period covered is subsequently regularized as leave on loss of pay.

Held : The applicant, a Constable in Delhi Police is aggrieved by the order of the respondents removing him from service, dated 31-12-1990 for unauthorized and wilful absence from duty against which the appeal and revision petition filed by him were also rejected by orders, dated 18-7-1991 and 21-10-1992 respectively.

The applicant has taken a number of grounds challenging the aforesaid penalty order. The main ground taken by learned Counsel for the applicant is that, in impugned order, dated 31-12-1990, the Disciplinary Authority while holding that the applicant was incorrigible and indisciplined Constable for his unauthorized and wilful absence for the periods from 11-3-1989 to 1-12-1989 and 18-12-1989 to 20-12-1989 which was the subject matter of the disciplinary proceedings, awarded the penalty of removal from service but at the same time treated that very periods of unauthorized absence as leave without pay which he states he could not have done in the same breath. Having regard to the judgment of the Supreme Court in State of Punjab and others v. Bakshish Singh [JT 1998 (7) SC 142], since the periods of unauthorized absence from duty for which the charge sheet had been given

to the delinquent official had been regularized by the Competent Authority, the charge does not survive. This has also been held by the Delhi High Court in Satya Pal Yadav v. Union of India and others [(1998) 71 Delhi Law Times 68]. These cases have been followed by the Tribunal in Ex-Constable Karan Singh v. Union of India and another O.A. No. 2117 of 1998 decided on 8-4-1999. Therefore, in the facts and circumstances of the case and following these judgments, since the Disciplinary Authority himself has treated the period of unauthorized absence as 'Leave without Pay' he could not have awarded the punishment on those very facts of wilful absence from duty and the impugned orders passed by the Disciplinary Authority and upheld by the appellate and Revisional Authority cannot be sustained and are accordingly quashed and set aside.

In view of the above, the OA is allowed with a direction to the respondents to reinstate the applicant within three months from the date of receipt of a copy of this order. Taking into account the facts and circumstance of the present case, we are of the view that the applicant will not be entitled to any pay and allowances for the intervening period.

[Satpal v. Delhi Administration and others, 5/2000, Swamysnews 79, (P.B. New Delhi), date of judgment 14-7-1999.]

O.A. No. 1912 of 1993

22

Payment of subsistence allowance during the suspension period is a fundamental right under Article 309 of the Constitution

Held : This is an application for quashing the orders of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, dated 13/14-4-1993, by which the applicant is compulsorily retired with immediate effect with a direction to the respondents to reinstate the applicant to her original post of Deputy Commissioner of Income Tax with continuity of service with all consequential benefits, i.e., full back salary, allowance, promotion with effect from 13-4-1987. The ground for setting aside the ex parte order is that, the applicant was not paid subsistence allowance during her suspension period, i.e., 13-7-1987 till the impugned order, dated 13/14-4-1993 is passed.

On 16-1-1989, the Enquiry Officer has recorded the fact that he has received the letter, dated 10-1-1989 on 13-1-1989, from the charged officer raising number of objections regarding the enquiry proceedings which he referred to the Disciplinary Authority for necessary action and till the receipt of the reply the hearing is adjourned. On 16-2-1989, the Enquiry Officer has recorded the order sheet which is as under :

"Since all the objections have now been met with and the one pertaining to the subsistence allowance is dependent upon the CO furnishing the requisite non-employment certificate, the PH can now be fixed and the enquiry is fixed for 7-4-1989. On perusal of the order sheet, dated 31-3-1989, we find that a letter which was sent by the charged officer to the Enquiry Officer, dated 22-3-1989, was dealt with by the Enquiry

Officer and copy of the letter, dated 9-2-1989, sent by the Under Secretary, Department of Revenue to the charged officer vide Registered Post A/D which the charged officer claimed to have not received was ordered to be sent to the charged officer. The relevant part of the order is under :

"However, as per the request of the charged officer, I am enclosing a copy of the said letter with regard to the objection of the charged officer that furnishing of Non-Employment Certificate by her is dependent upon a mandatory order granting subsistence allowance. I have been informed that the Ministry of Finance, Department of Revenue, has already passed such an order on 17-7-1987, which has been sent to the charged officer at Jamshedpur and which fact was also intimated to her vide Memorandum F. No. C-14011/27/87-V & L (Pt.) deciding on the appeal on the order of suspension. This Memorandum was sent to the charged officer at her Bombay address. I am also enclosing herewith copies of both these communications. The hearing was ordered to proceed as scheduled on 7-4-1989".

The above facts lead us to conclude that the order regarding payment of subsistence allowance was passed on 17-7-1987, but it might not have been communicated to the applicant earlier to 7-4-1989. Hence at the best, the applicant can claim that since she was not aware of the order of passing of the subsistence allowance, she did not claim the subsistence allowance by producing the non-employment certificate. But afterwards, there was no reason for the applicant to allege the said fact when she did not file any non-employment certificate to the respondents which was necessary to receive the subsistence allowance.

It is worth mentioning that during the whole enquiry she did not obtain the subsistence allowance. If she had submitted the non-employment certificate, had there been a refusal to pay the same without any reason, we must have held that non-payment of subsistence allowance has prejudiced the defence case. The right to subsistence allowance accrues as soon as the applicant is suspended but payment of the subsistence allowance depends on the fact that the applicant submits a non-employment certificate. As it was not submitted by the applicant, even though there was no payment of subsistence allowance, now the applicant is estopped to challenge the same as it is due to her inaction in not receiving the same.

We agree with the learned Counsel for the applicant that in view of judgment of Apex Court that payment of subsistence allowance within suspension period is a fundamental right under Article 309 of the Constitution. Keeping in view the above proposition, we are of the considered view that the applicant intentionally avoided to receive the subsistence allowance by not filing the non-employment certificate probably with a view either to drag on the disciplinary proceedings or to take such a plea after conclusion of the disciplinary proceedings if an occasion arises therefor. We are of the considered opinion that there is no merit in the OA which is liable to be dismissed and is dismissed accordingly.

[Jayanti S. Aiyar (Smt.) v. Union of India and another, 8/2001, Swamysnews 70, (Mumbai), date of judgment 19-12-2000.]

O.A. No. 343 of 1998

STATEMENT OF ACCOUNTS OF PUNJAB DAO's/DA's ASSOCIATION
FOR THE PERIOD 23-1-2000 TO 27-11-2001

Receipts	Amount (Rs.)	Expenditure	Amount (Rs.)
Opening Balance		Telephone & Fax Charges	6051-00
Cash in hand	1590-50	Travelling Expenses	4934-00
Cash at Bank	12120-00	Printing & Stationery	4965-00
Bank Interest	1242-00	Postage Charges	2794-00
Annual Subscription		Photostate	2256-00
23-1-2000 to 31-3-2001	7440-00	Subscription to A.I.F.	2000-00
2000-2001	14400-00	Misc. Expenditure	2033-00
2001-2002	2280-00	Closing Balance	
(upto 31-10-2001)		Cash in hand	4557-50
		Cash at Bank	9482-00
Total	39072-50		39072-50

(D. L. Bajaj)
Auditor

(K. K. Jandial)
General Secretary

(Rajinder Singh)
Cashier

(S. K. Arora)
President

OBITUARY

With profound grief and sorrow, we inform the members of the sad and sudden demise of our following Veteran Colleagues since our last General Conference.

1. **Shri Banwari Lal Niboria, DAO-I, Patiala Unit.**
2. **Shri Sandeep Kumar, Divl. Acett. Hoshiarpur Unit.**
3. **Shri Parshotam Lal, DAO-I, Nangal Unit.**

These sad and sudden deaths have caused untold miseries on the bereaved families and nothing on earth can console them, as the departed souls were the only earning members.

We pray to God, the Almighty to be kind to these noble departing souls and to give them a place in the heaven.

Women are wiser than men, they know less and understand more.

—James Stephen