

No.AAP.163/2011/111  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL-A)  
ASSAM SECRETARIAT, BLOCK-A, 3<sup>RD</sup> FLOOR  
DISPUR, GUWAHATI-6

Dated September 6, 2018.

O R D E R

Whereas Shri Mukul Kathar, ACS (DR-95), Additional Deputy Commissioner, Kamrup (Metro) has submitted representation on 05/01.2018 for his retrospective promotion to ACS Senior Grade-II from the date of promotion to the same grade of his immediate junior; and

Whereas the matter was examined; and

Whereas, a minor penalty of 'Censure' was imposed upon Shri Mukul Kathar, ACS, Sub-Divisional Officer (Sadar), Kamrup (Metro) vide Order No.AAP.561/2015/136 dated 26<sup>th</sup> July, 2016 on disposal of Departmental Proceeding against the officer for non-submission of complete property statement to the Government and thereby violation of Rule 11 of the Assam Civil Service Conduct Rules, 1965; and

Whereas, the Departmental Promotion Committee in its meeting on 11/08/2016 decided not to recommend Shri Mukul Kathar, ACS for promotion to ACS Senior Grade-II due to the above penalty imposed upon him; and

Whereas, Shri Mukul Kathar, ACS filed a Writ Petition W.P.(C) No.5408/2016 before the Honourable Gauhati High Court; and

Whereas, the Honourable Gauhati High Court vide its Order dated 28/09/2016 directed the respondents to constitute a Review Departmental Promotion Committee Meeting for consideration of the petitioner's promotion from Junior Grade to Senior Grade II, in relation to the Departmental Committee Meeting held on 11/08/2016 and thereafter issue appropriate orders within a period of two months; and

Whereas, keeping in view the Order of the Hon'ble Court dated 28/09/2016, the Departmental Promotion Committee considered the matter of promotion of the Officer Shri Mukul Kathar, ACS on 19/11/2016 and the Departmental Promotion Committee came to the conclusion that since the officer has been penalised and served with the penalty of 'Censure' only on 26/07/2016, the penalty of 'Censure' should be in operation till next year, when the matter of the officer's promotion may be placed before the next Departmental Promotion Committee Meeting. As such the Departmental Promotion Committee meeting held on 19/11/2016 did not recommend the promotion of the officer and further suggested that the matter be placed before the next Departmental Promotion Committee Meeting; and

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Whereas, Hon'ble Gauhati High Court in its subsequent Order dated 23/11/2017 in I.A. (C) No.2911/2017 in the above Writ Petition directed Personnel (A) Department to constitute a review DPC within 2 (Two) weeks from 23/11/2017 for consideration of promotion of Shri Mukul Kathar, ACS; and

Whereas, in pursuance of Hon'ble High Court's order, a review DPC meeting was held on 05/12/2017 and the Departmental Promotion Committee after detailed scrutiny, decided to recommend Shri Mukul Kathar, ACS for promotion to Senior Grade II of ACS with immediate effect but not retrospectively; and

Whereas, Shri Mukul Kathar, ACS, SDO (S), Kamrup (M) has been allowed to officiate in the Senior Grade II of ACS and was posted as ADC, Kamrup (M) with immediate effect vide Notification No.AAP.163/2011/Pt.I/101 dated 03/01/2018; and

Therefore, the representation of Shri Mukul Kathar, ACS for retrospective promotion from the date of his immediate junior, cannot be considered due to the penalty imposed upon him and the decision of the Departmental Promotion Committees referred to above, and is disposed off accordingly.

By orders and in the name of  
Governor of Assam

Sd/-Tapan Chandra Sarma.  
Secretary to the Govt. of Assam,  
Personnel (A) Department.

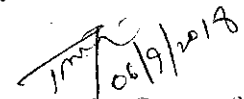
Dated, Dispur, September 6, 2018.

Memo No.AAP.163/2011/111-A

Copy to:-

- 1) Shri Mukul Kathar, ACS, Additional Deputy Commissioner, Kamrup (Metro), Guwahati.

By order etc....

  
Joint Secretary to the Govt. of Assam,  
Personnel (A) Department