

Central Administrative Tribunal  
Principal Bench

O.A. No. 2861 of 2002

New Delhi, this the 31st March, 2003

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

1. Const. Jaiveer Singh,  
No. 8122/DAP, PIS No. 28990267  
(VIIth Bn. DAP), S/o Shri Atma Ram  
R/o Vill. & P.O. Khekra Patti Rampur  
Distt. Bhagpat, U.P.
2. Const. Rawan Kumar,  
No. 1750/DAP, PIS NO. 28990886  
(IIInd Bn. DAP), S/o Shri Charan Das  
r/o E-1208, Dabua Colony  
N.I.T. Faridabad, Haryana.
3. Const. Gurjinder Singh  
No. 3649/DAP (IVth Bn. DAP)  
S/o Shri Santhok Singh  
H.No. H-153, N.P.L. Kingsway Camp  
Delhi-110 009
4. Const. Bed Prakash Mishra  
NO. 3502/DAP, PIS No. 28990452  
(IVth Bn. DAP)  
S/o Shri Udai Narayan Mishra  
c/o Shri Pawan Tyagi, H.No.188  
Burari Village, Delhi.110 0084.
5. Const. Brij Pal  
No. 3615/DAP, PIS No. 28990346  
(IVth Bn. DAP) S/o shri Ram Pal Singh  
Vill. & PO Khekra Patti  
Jain College Road, Line Paar  
Distt. Bhagpat, U.P.
6. Const. Jain Bhagwan  
No. 3481/DAP (IVth Bn. DAP)  
S/o Shri Dharam Chand  
R/o Barrack No. 10  
N.P.L. Kingsway Camp, Delhi-9
7. Const. Virender Singh  
No. 3591/DAP (IVth Bn. DAP)  
S/o Shri Lakshmi Chand  
r/o Barrack No. 10  
N.P.L. Kingsway Camp  
Delhi.110 009

(By Advocate: Dr. M.P. Raju)

...Applicants

Versus

1. Union of India through  
Secretary,  
Ministry of Home Affairs  
North Block, New Delhi.
2. Commissioner of Police  
Police Headquarters  
MSO Building, I.P. Estate  
New Delhi-110 002
3. Director General  
CISF Headquarters  
C60 Complex, Lodi Road  
New Delhi.110 003.

. Respondents.

(By Advocate: Shri Ajesh Luthra for R-1 &2.  
Shri N.S.Mehta for R-3.)

ORDER (Oral)

Justice V.S. Aggarwal

By virtue of this present application, the applicants, though members of Central Industrial Security Force(CISF), are seeking a direction for quashing of the order dated 23.10.2002 (Annexure-I) repatriating them to their parent department and to restrain the respondents in this regard. They are also praying that Rule 17 of Delhi Police( General Conditions of Services) Rules,1980 should be quashed being illegal arbitrary, unreasonable and violative of the fundamental rights of the applicants.

2. We are not dwelling into the certain questions which have been raised during the course of the submissions before us. The reason being that the applicants admittedly were on deputation to Delhi Police. In the counter reply filed by the Respondent No.3



they have specifically asserted that "..... Keeping in view of these factors respondents have decided not to allow any further absorption in other organisation." It is not in dispute that before a person can be considered for permanent absorption, no-objection from the parent department to be absorbed to any other organisation is mandatory. In the present case, CISF has said otherwise. Once it is so, the question of this Tribunal directing the respondents to permanently absorb the applicants with Delhi Police does not arise. The Learned counsel for the applicants asserts that this plea of the respondents is illegal and he would like to challenge the same. He states that he may be permitted to seek an appropriate remedy before this Tribunal or the Delhi High Court as may be advised and therefore he will not press the present application for the present.

3. Accordingly, we dispose of the present application making it clear that we do not express any opinion on the controversies raised before us. The applicants, if so advised, may take an appropriate action in accordance with law including the decision of respondent No. 3 not allowing their absorption.

4. Other pleas consequently at the risk of repetition have not been adjudicated upon.

V.K. Majotra  
(V.K. Majotra)  
Member (A)

S Ag  
(V.S. Aggarwal)  
Chairman

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