

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/709/2014

HYDERABAD, this the 31st day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member



T.V. Narasimham,
S/o. T. Kameswara Rao,
Aged about 51 years,
Occ: Private Secretary,
Debts Recovery Tribunal,
Visakhapatnam.

... Applicant

(By Advocate: Dr. A. Raghu Kumar)

Vs.

1. Union of India rep. by its Secretary,
Jeevan Deep Building,
10, Sansad Marg,
Ministry of Finance,
New Delhi.
2. The Secretary,
Department of Personnel and Training,
North Block,
New Delhi.
3. The Registrar,
Debts Recovery Tribunal,
2nd Lane, Dwarakanagar,
Visakhapatnam ó 16.

... Respondents

(By Advocate: Mrs. K. Rajitha, Sr. CGSC)

ORDER (ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant was working as Stenographer in the Staff Selection Commission, New Delhi. He was promoted to the post of Stenographer Grade -C on ad hoc basis in 1993. On 14.2.2002, he came on deputation to the Debts Recovery Tribunal, for short ó DRT, Visakhapatnam and was permanently absorbed in that organization on 23.01.2004.

2. Only such of the Stenographers, who have put in 8 years of service, are eligible for promotion to the post of Private Secretary in DRT. The applicant was extended the benefit of such promotion on 17.8.2011. He, however, contends that 5 years of experience as Stenographer would be adequate for promotion to the post of Private Secretary, and his services on ad hoc basis ought to have been taken into account for the purpose of promotion. Reliance is placed on the order dated 20.01.2010 passed by the Ernakulam Bench of C.A.T. in O.A. No.592/2009.

3. The respondents filed counter, opposing the O.A. It is stated that the very deputation of the applicant to DRT was not under any Recruitment Rule but was as per the one time exception granted by the Ministry of Finance. It is stated that the service of the applicant was reckoned from the date of absorption and accordingly he was extended the benefit of promotion to the post of Private Secretary.

4. We heard Dr. A. Raghu Kumar, learned counsel for the applicant and Smt. K. Rajitha, learned counsel for the respondents.

5. The applicant came on deputation to DRT on 14.02.2002 and was permanently absorbed in that organization on 23.01.2004. He has also been promoted to the post of Private Secretary on 17.08.2011. This was on the basis that he completed 8 years of regular service as Stenographer. It is not disputed that the Recruitment Rules stipulate that condition.

6. The grievance of the applicant is that his services ought to have been reckoned from 14.02.2002, the date on which he came on deputation. The respondents, however, counted the same from 23.01.2004, the date on which he was absorbed.

7. A perusal of the counter affidavit discloses that the facility of deputation did not exist in DRT and that the applicant was taken on deputation, on one time exception granted by the Ministry of Finance. Unless the service rules make a provision for deputation, it becomes difficult to count the service from the date of deputation for the purpose of promotion. Within two years from the date of deputation, he was absorbed. The respondents have reckoned his service from that date. It is, no doubt, true that relief was granted in O.A. No.592/2009. However, we do not find any specific pronouncement or declaration of law to the effect that the service of an employee, who came on deputation, must be reckoned from the date of deputation, in the context of promotion in the borrowing organization, irrespective of the nature of the relevant rules. The relief was mostly on the facts of that case.



8. In the instant case, we do not find any rule that provides for deputation. It is also not in dispute that the length of service stipulated for promotion to the post of Private Secretary is 8 years under the relevant rules.

Though the applicant made an effort to convince that it should be 5 years, we cannot ignore the specific provision of law.

9. We do not find any merit in the O.A. Accordingly, it is dismissed.

There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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