

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2268/2001

New Delhi, this 31st day of August, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri M.P. Singh, Member(A)

Sanjay Chhillar  
C-27F, Vijeta Vihar, S-13, Rohini, Delhi .. Applicant  
(By Shri N.S.Dalal, Advocate)

versus

1. B.S.F., through DG,  
CGO Complex, Lodhi Road, New Delhi
2. Govt. of NCT of Delhi, through  
Principal Secretary/Transport Commissioner  
5, Underhill Road, Delhi .. Respondents

ORDER(oral)

Shri M.P. Singh

The applicant was appointed as Sub-Inspector in Border Security Force (R-1) in the year 1990. He applied for deputation in the year 1997 in the Transport Department of Govt. of NCT of Delhi (R-2) and he was appointed as Inspector (Enf) under R-2 vide letter dated 12.5.97. He claims that in the year 1998 he has been promoted to the rank of Inspector in his parent department. He made a request to the borrowing department that he may be granted the pay scale of Rs.6500-10500 w.e.f. 1998 i.e. the date on which he was promoted to the next higher grade in his parent department and be considered for absorption. The borrowing department wrote to the lending department (R-1) to issue No Objection Certificate (NOC) for absorption of the applicant. The lending department has not issued NOC for absorption of the applicant under R-2. Hence the applicant is before us praying for directions to be issued to R-1 to issue NOC regarding his absorption with R-2 and also grant him the scale of Rs.6500-10500 from 1998, i.e. the date from which he was promoted to the rank of Inspector in his parent department.

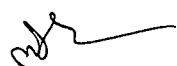




2. Heard the learned counsel for the applicant and perused the records.

3. The question for consideration for us is whether we can issue direction to R-1 to issue a "No Objection Certificate" (NOC) in respect of the applicant for his absorption in the Transport Department of Govt. of NCT, Delhi. The legal position is that since the applicant is a permanent employee of R-1 i.e. Border Security Force, he does not hold a civil post in that organisation as B.S.F. is an Armed Force of the Union. since this Tribunal has no jurisdiction to adjudicate the service matters ~~of~~ <sup>of</sup> the employees of the Armed Forces, it cannot issue any direction to such organisation. The second question is whether the applicant on his promotion to the rank of Inspector in his parent department can automatically get the higher scale of pay and promotion while working on deputation and also has the right to get absorbed in the borrowing department. As per Rules, the borrowing department shall consider the request of the applicant for absorption and also grant of higher pay scale on the basis of his promotion in his parent department provided the lending department issues a NOC to the borrowing department for the grant of higher pay scale and also agree to the absorption of the applicant. Applicant is basically an employee of R-1 and he is on deputation with R-2 for a specific period. On completion of the deputation, he has to go back to his parent department.

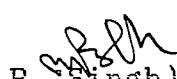
4. In view of the above position, the applicant does not have any right for the grant of higher scale of pay and

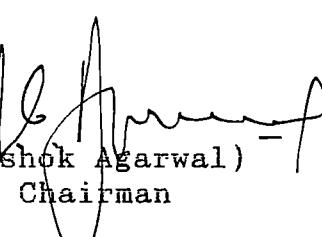


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absorption while working on deputation. It is for the respondents to consider his request after taking relevant facts into consideration. Since the Tribunal has no jurisdiction to adjudicate the matters of the employee of R-1, it can not issue any direction for issuing a NOC in respect of the applicant. The OA therefore fails and is accordingly dismissed. No costs.

  
(M.P. Singh)  
Member(A)

  
(Ashok Agarwal)  
Chairman

/gtv/