

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2271/2001

New Delhi this the 11th day of December, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Smt. Laj Handa
W/O Shri M.P. Handa
R/O L-59B, Malviya Nagar
New Delhi-110017. ... Applicant

(By Shri Mukesh Kumar Gupta, Advocate)

-versus-

1. Government of National Capital Territory of Delhi,
Through its Chief Secretary,
Players Bhawan,
I.P. Estate,
New Delhi-110002.
2. The Directorate of Training & Technical Education,
Govt. of N.C.T. of Delhi
Muni Maya Ram Marg
Pitam Pura, Near T.V. Tower
Delhi-110034.
3. The Secretary (Services)
Govt. of NCT of Delhi
Delhi Sachivalaya
Players Bhawan
New Delhi-110002. ... Respondents

(Shri Ashwani Bhardwaj, proxy for Shri Rajan Sharma, counsel)

O R D E R (ORAL)

Justice Ashok Agarwal:-

By the present OA, applicant seeks directions to the respondents to take her back on their strength as Draftsman Civil Instructor in the office of respondent No. 2 with effect from 1.3.2000. She has also claimed consequential benefits arising out of implementation of the aforesaid direction.

W.A.

2. Facts leading to the filing of the OA are few and are as follows.

Applicant while serving with the respondents was sent on deputation to the Directorate of Training and Employment, Government of UP, Lucknow with effect from 5.6.1982. Her period of deputation was extended till 30.6.1988. According to the respondents, extension of the period of deputation till 30.6.1988 was the final extension and the applicant was expected to rejoin respondent No.2 on repatriation with effect from 1.7.1988. She, however, did not rejoin as expected and continued with the Directorate of Training and Employment, Government of UP, Lucknow till 28.2.2000, the date on which she was relieved by the borrowing department, namely Directorate of Training and Employment, Government of UP. Prior to this, a proposal was being considered by the Directorate of Training and Employment, Government of UP to absorb her in the said cadre with effect from 1.7.1988. The said proposal, it appears, did not fructify and the applicant continued with the aforesaid Directorate till 28.2.2000 when she was relieved by the aforesaid borrowing authority. Applicant has thereafter reported back for duty with respondent No.2 on the very next day i.e.on 1.3.2000. She has, however, not been assigned any posting and duty. She has also not been paid any pay and allowances till date. Hence the present OA.

3. It has, inter alia, been averred on behalf of the respondents that though the period of

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deputation of the applicant had expired with effect from 30.6.1988, she had failed to report back to the respondents. She has unauthorisedly continued to remain on deputation. Respondents in the circumstances are contemplating disciplinary proceedings against her. It has further been averred by the respondents that an advise is sought in the matter from the DOP&T as to whether the applicant is to be taken back on duty with respondent No.2 and the same is awaited.

4. We have considered the averments contained in the counter submitted by and on behalf of the respondents and we are satisfied that the applicant has not been relieved from her deputation with the Directorate of Training and Employment, Govt. of UP till 28.2.2000. Applicant in the circumstances cannot be blamed for not reporting back to respondent No.2 prior to the said date. In matter of deputation, both the lending and the borrowing departments have to concur before an employee is either sent on deputation or is repatriated to his parent department. In the circumstances of the case, though respondents, the lending department has asserted that the period of deputation would expire with effect from 30.6.1988, applicant could not have reported back to respondent No.2 as she has not been relieved by the borrowing department, namely Directorate of Training and Employment, Government of UP. After she was relieved on 28.2.2000, she has reported back to the respondents on the very next day i.e. on 1.3.2000. Respondents in the circumstances, in our view, were not at all

M.A.

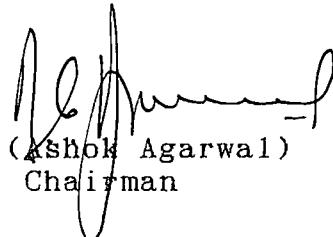
justified in refusing to accept her back on duty and assign her posting and pay her pay and allowances.

5. In the circumstances, present OA is allowed. Applicant is deemed have joined her parent department, namely respondent No.2 with effect from 1.3.2000. She will be accordingly entitled to payment of her pay and allowances with effect from the said date, namely 1.3.2000. She will also be entitled to consequential benefits arising from the said order.

6. Aforesaid directions be implemented expeditiously and in any event within a period of two weeks from the date of service of this order. In the circumstances of the case, there will be no order as to costs.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

/sns/