

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O A No. 1196/99

New Delhi: Dated: this the 4th day of ~~December~~ JANUARY 2002.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Janki Prasad Dimri,
S/o Shri Kali Ram Dimri,
E-69, IB Colony, Patel Cham,
New Delhi

.... Applicant.

(By Advocate: Shri G. S. Chaman)

Versus

1. Union of India,
through
Director,
Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi.

2. Director General,
Border Security Force,
Ministry of Home Affairs,
Govt. of India,
CGO Complex,
Lodi Road,
New Delhi-03

.... Respondents.

(By Advocate: Shri S.M. Arif)

ORDER

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' orders dated 5.9.98 (Annexure-A1), dated 15.3.99 (Annexure-A2) and 25.2.99 (Annexure-A3). He seeks permanent absorption in IB.

2. Applicant, who belongs to BSF came on deputation to I.B. (Bureau of Investigation for a period of 3 years vide order dated 13.4.94 (Annexure-R1)). Subsequently he was appointed to the higher rank of Junior Intelligence Officer Gr. II w.e.f. 26.12.96. As there was no vacancy in the higher rank of JIO in BOI, applicant was asked to opt whether he would like to be repatriated to his parent

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department or to work in IB to complete his normal period of deputation. Applicant admittedly opted to work in IB for completion of his remaining period of deputation. By respondents' endorsement dated 26.3.98 (Annexure-R-II) applicant was asked to keep himself in readiness to be repatriated to his parent organisation viz. BSF, w.e.f. 31.5.98. By order dated 14.5.98 (Annexure-R-III) applicant's services were repatriated to BSF. Applicant represented on 6.4.98 (Annexure-R-IV) for retention in IB on domestic grounds. The representation was sympathetically examined and respondents decided to defer his relief till he completed 5 years in IB i.e. till 18.5.99 (Annexure-R-V). Respondent No.2 (D.G.BSF) was also informed accordingly, but respondent No.2 in his letter dated 24.6.98 (Annexure-R-VI) expressed his inability due to administrative reasons to agree to applicant's extension of deputation, and requested IB to relieve him immediately to enable him to report to BSF. Thereupon, upon further representation from applicant, correspondence ensued between IB & BSF and eventually by order dated 11.5.99 (Annexure-R-XV) applicant was informed that his request for continuation of deputation had not been acceded to and stood relieved from IB w.e.f. 31.3.99.

3. It is well settled that applicant being a deputationist to IB, has no enforceable legal right to compel IB to absorb him permanently. Further applicant already stands relieved from IB w.e.f. 31.3.99.

4. The OA warrants no interference and the

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arguments/reliefs relied upon by applicant's counsel in his written submissions do not avail applicant in the light of the legal and factual position outlined in para 3 above.

5. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A).

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