

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2220/99

NEW DELHI THIS THE 14th DAY OF OCTOBER, 1999

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

In the matter of:

Sh. D.R.Rohilla,
Deputy Chief Chemist,
Central Revenue Control Laboratory,
Department of Revenue,
I.A.R.I., Pusa,
New Delhi-110012. Applicant
(By Advocate: Sh. M.L.Ohri)

Vs.

1. Union of India through the
Secretary, Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. The Chariman,
Central Board of Excise & Customs,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.
3. The Chief Chemist,
Central Revenue Control Laboratory,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi-12.

O R D E R (ORAL)

BY REDDY:J.

Heard counsel for the applicant on admission.

2. In this OA the challenge is made to the validity of the order dated 4.8.99 by which it was decided to terminate the deputation period of the applicant. The applicant was working in the Bank Press Note, Dewas. He was appointed on deputation as Dy. Chief Chemist at Central Revenue Control Laboratory, New Delhi for a period not exceeding 5 years w.e.f. 1.2.96. At the request of the applicant he was allowed to continue

upto 31.7.99 so that the examinations of his children would be concluded by that time and the admission of his son in the Engineering Colleges in New Delhi will also be known. Accordingly, the applicant was continued upto 31.7.99. It is contended by the learned counsel for the applicant that the impugned order terminating his deputation was made on extraneous considerations and is therefore liable to be passed. quashed.

3. We do not agree. It is manifest from ~~the~~ perusal of the impugned order that the applicant was appointed on deputation when there were no eligible officers for promotion to the post of Dy. Chief Chemist and as some of the officers had now become eligible for promotion the necessity arose to terminate the applicant's deputation. We are of the view that this is a valid reason and not an extraneous reason, for passing the impugned order. The learned counsel places reliance on 1993 ATJ 515, a decision of the ~~in~~ Madras Bench of the Tribunal. In that case the deputation period was terminated on certain extraneous reasons and the Tribunal, therefore, rightly found that such an order was invalid. As we had already found the reasons given by the respondents were not extraneous this decision is wholly inapplicable. The person from outside the Division or Department cannot be continued after the Departmental officers were found eligible under the rules for promotion to the Dy. Chief Chemist. The next contention is that the letter dated 17.2.99 operates as estoppel against the respondents. In the said letter it was only clarified that as per the terms of deputation the appointment on deputation should not exceed 5 years and the applicant can be allowed to continue the full term of deputation unless the applicant

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himself opts for going back. Now, no embargo can be read in this letter if the department decides to discontinue the applicant for valid reasons.

4. Learned counsel for applicant lastly submits that he was regularly appointed as per the recruitment rules in the reserved quota on transfer on deputation by the UPSC and not on any temporary arrangement. But from the appointment order dated 30.10.95 it is found that the term of deputation of the applicant was made in accordance with instructions/orders of the DOPT OM dated 29.4.88. In the circumstances we cannot accede to the contention that he was regularly appointed under the rules.

5. In the circumstances since the deputation was only for a maximum period of 5 years the applicant is liable to be repatriated any time before that. The law is trite that the deputationist has no right to hold on to deputation. The OA, therefore, fails and is accordingly dismissed.

Shanta
(MRS. SHANTA SHASTRY)

Member (A)

V.Rajagopal Reddy
(V.RAJAGOPALA REDDY)

Vice Chairman (J)

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