

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 241/99

New Delhi: this the 16th day of April, 1999.

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

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

Kunal Nanda,
S/o Shri Prem Mohan Nanda,
R/o WZ-1342/C, Rani Bagh,
Shakur Basti,
Delhi - 034

..... Applicant.

(By Advocates: Shri S.K. Biseria)

Versus

1. Union of India
through

Secretary,
Ministry of Department of Personnel &
Training,
North Block,
New Delhi.

2. Director,
Central Bureau of Investigation,
CGO Complex,
Lodhi Road,
New Delhi

..... Respondents.

ORDER

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

Applicant's prayer for a direction to respondents restraining them from repatriating him to his parent organisation (CRPF) and a further direction to respondents to declare him as being permanently absorbed in CBI.

2. Applicant who belongs to CRPF came on deputation to CBI as ASI (M) on 1.8.91 and was subsequently promoted as SI w.e.f. 1.6.95.

Respondents have now relieved him vide orders dated 29.1.99 (Annexure-R1) w.e.f. 31.1.99 with direction to report to his parent organisation (CRPF).

3. The Delhi High Court in CWP No. 1781/97 UOI & Ors. Vs. Mathura Dutt & Ors. have categorically held that deputationists have no vested right to be considered for absorption and in the background of the policy decision taken by CBI not to absorb any person unless he was totally indispensable to the working of CBI no challenge to the repatriation order can be mounted. Furthermore respondents in their reply state that applicant not being a graduate cannot be absorbed under the recruitment rules and this averment has not been denied by him in rejoinder.

4. Applicant has mentioned the cases of Shri N.N. Mishra and Shri N.P. Pandey in para 4(f) of his OA, but in reply to that respondents state that the absorption of Shri N.N. Mishra was not in accordance with rules, he also not being a graduate and his erroneous absorption is being submitted to Department of Personnel for further guidance. As regards Shri N.P. Pandey respondents state that he is a departmental officer and not a deputationist. This has also not been denied by applicant in any rejoinder.

5. In the absence of any vested right available to applicant to compel respondents to absorb him we see no good grounds to interfere in the order dated 29.1.99.

6. 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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