

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2674/99

New Delhi: this the 21st day of February, 2000.

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Madan Lal Buldak,
S/o Shri Nanu Ram,
R/o L-36, Mehraipur Extn.
New Delhi

..... Applicant.

(By Advocate: Shri G. S. Chaman).

Versus

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

Director General,
Border Security Force,
CGO Complex, Lodhi Road,
New Delhi

..... Respondents.

(By Advocate: Shri Rajinder Nischal)

ORDER

HON. MR. S. R. ADIGE VC (A).

Applicant challenges respondents' repatriation orders dated 20.8.99 (Annexure-A1) and dated 14.5.98 (Annexure-A 2) and seeks a declaration that he stood permanently absorbed in IB as JIO w.e.f. 1.3.97.

2. Applicant who is a BSF Constable came on deputation to IB vide BSF order dated 3.6.94 (Annexure-A3) for 3 years. While on deputation he was appointed as JIO Gr.II w.e.f. 26.9.96 (Annexure-A7). His deputation period was extended from time to time. He now seeks a declaration that he stood permanently absorbed in IB w.e.f. 1.3.97, and challenges the orders repatriating him to his parent organisation.

3. Heard both sides.

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4. It is well settled that a deputationist has no enforceable legal right to compel the host department to absorb him. The legal proposition remains valid even if the deputation period was extended from time to time and the deputationist was appointed to higher post during the period of deputation. Further as applicant's parent organisation has expressed its inability to concur in applicant's permanent absorption in IB vide letter dated 3.6.99 (Annexure-A-12), the question of applicant's permanent absorption in IB does not arise.

5. Applicant's counsel has cited some rulings but in the light of the legal and factual position, highlighted above, those rulings do not advance applicant's case.

6. The OA is dismissed. No costs.


(KULDIP SINGH)
MEMBER(J)


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

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