

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1366/98

New Delhi this the 20 Day of July 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman (J)
Hon'ble Shri R.K. Ahooja, Member (A)

Mrs. D.C. Barua,
W/o Shri V.D. Barua,
R/O 1 Kalibari Apartment,
Udayan Marg,
New Delhi-110 004

Petitioner

(By Advocate: Mrs. Jasmine Ahmad)

-Versus-

1. Union of India through
Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.
2. The Joint Secretary (CGHS),
Ministry of Health,
Nirman Bhawan,
New Delhi.
3. The Joint Secretary to the
President of India,
Rashtrapati Bhawan,
New Delhi.

Respondents

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The applicant has been working as Public Health Nurse on deputation in the President's Secretariat. She is aggrieved by order of reversion to her parent cadre. We have heard Mrs. Jasmine Ahmad, learned counsel for applicant on admission. The case of the applicant is that she had joined the President Secretariat and was selected against the open advertisement in 1991 in which there was no stipulation that appointment will be on deputation basis. However, she had agreed to being appointed on deputation basis because President Secretariat had some administrative difficulties and also because she wanted to retain lien as

3

the permanent Government servant before being absorbed in the President Secretariat. She submits that she was not paid any deputation allowance and was given an assurance that she will be permanently absorbed. Her deputation with the President Secretariat was extended for over seven years i.e. well beyond the period of normal deputation which indicates that the appointment was on a more or less permanent footing. She also states that she has an ailing mother-in-law and two school going children whose studies would be adversely affected if she is repatriated since she will then have to vacate the accommodation allotted to her in the President Estate without any hope of obtaining alternate accommodation in her parent department.

2. We have considered the matter carefully. It is true that the advertisement issued by the President Secretariat in 1991 was for open recruitment with the stipulation that those who were already in Government service should apply through proper channel. The fact, however, remains that the applicant's order of appointment from the very beginning ~~was~~ on deputation basis which deputation was extended from time to time. If she was not given any deputation allowance then it was open to her to agitate the matter at the proper time. She herself admits that she considered it advisable to retain her lien initially in her parent department. Neither the repeated representations for permanent absorption nor the extended period of seven years nor the grant of permanent absorption in respect of some other deputations can give her an automatic right for permanent absorption in the borrowing department. The order of repatriation only goes to indicate that her representations for permanent absorption have not been successful. As regards her alternate plea that she


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should be allowed to continue for one more year in order to see through the study of her daughter upto Class XII is essentially a matter to be considered by the President Secretariat. We can find no fault with the order on this ground as it has not been issued during the mid academic session.

3. For the reasons aforesaid, we find no basis to proceed any further in this matter. Accordingly the O.A. is dismissed at the admission stage itself.



(K.M. Agarwal)
Chairman



(R.K. Ahooja)
Member(A)

Mittal