

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. 1562/1998

New Delhi this the 27th day of August, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri K. Muthukumar, Member (A)

Shri R.S. Mevati,
GH-14/230, First Floor,
Paschim Vihar, New Delhi-110087.

....Applicant

(By Advocate Shri R.S. Rawat)

Versus

1. The Union of India,
through the Secretary,
Ministry of Agriculture,
(Department of A.H. & Dairying),
Krishi Bhawan,
New Delhi.

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008

....Respondents

ORDER

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved by the order dated 3.8.98 passed by the respondents reverting him to his parent Department w.e.f. 8.8.95 at the end of his period of deputation on 7.8.1998.

2. We have heard Shri R.S. Rawat, learned counsel. From the facts it is seen that the applicant, who is a permanent employee of the Ministry of Defence joined the Delhi Milk Scheme as a Senior Transport Officer w.e.f. 8.8.1995 on deputation. The tenure of deputation was initially for a period of three years extendable by one year. Shri Rawat, learned counsel submits that under Para 8 of Appendix 5 of the FRSR, the period of three years deputation can be extended after obtaining orders of the competent authority in public interest. He also submits that the applicant has made a representation dated 13.5.98 in which he had brought out his personal difficulties. In view of the education of his son etc., he has prayed that a direction may therefore, be given to the respondents

to extend the applicant's period of deputation by another year upto 7.8.99 or at least upto April, 1999, taking into account the education of his son. He has also prayed that a stay order may be granted restraining the respondents from implementing the impugned orders dated 3.8.98 and 7.8.98 as he submits that the applicant is on leave.

3. We are unable to agree with the contentions of the learned counsel for the applicant that after completion of the initial period of 3 years of deputation, the applicant has an enforceable right for further extension of the period of deputation by another year which he claims is in public interest. This is a decision which the competent authority has to take in accordance with the relevant Rules and instructions. In the facts and circumstances of the case, no such directions as prayed for in the O.A. can be given to the respondents.

4. However, in case the respondents have not considered and disposed of the applicant's representation dated 13.5.98, they may do so immediately, say within a month from the date of receipt of a copy of this order by a speaking and reasoned order, with intimation to the applicant.

5. In the result, the O.A. fails and is disposed of as above. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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