

Central Administrative Tribunal
Principal Bench

(10)

New Delhi, dated this the 23rd AUGUST 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

1. T.A. No. 1 of 1998

Shri Harsh Munjal,
Asst. Director (SPES),
Sports Authority of India,
Jawaharlal Nehru Stadium,
New Delhi-110003. ... Applicant

(By Advocate: Shri Suman Doval)

Versus

1. Sports Authority of India,
Jawaharlal Nehru Stadium,
New Delhi.
2. Union of India through
the Secretary,
Dept. of Youth Affairs & Sports,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi.
3. Directorate of Youth Services and
Cultural Activities
(through its Director),
Department of Education,
Government of Gujarat,
Block No.11, 3rd Floor,
Jivraj Mehta Bhawan,
Gandhi Nagar-432010
Gujarat. ... Respondents

(By Advocate: Shri K.C. Sharma with
with Shri M.K. Gupta)

2. O.A. No. 1825 of 1998

Shri Harsh Munjal,
R/o 595, Asiad Village,
August Kranti Marg,
New Delhi-110049. ... Applicant

(By Advocate: Mrs. B. Sunita Rao)

Versus

1. Director General,
Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodi road, New Delhi-3.

(11)

2. Union of India through the Secretary, Dept. of Youth Affairs and Sports, Ministry of Human Resources Development, Shastri Bhawan, New Delhi.
3. The State of Gujarat through the Commissioner, Directorate of Youth Services & Cultural Activities, Dept. of Education, Government of Gujarat, Block No.11, Third Floor, Jivraj Mehta Bhawan, Gandhinagar-382010 (Gujarat).
4. Sports Authority of Gujarat, through its Secretary, Block No.14, Third Floor, Jivraj Mehta Bhawan, Gandhinagar-382010 (Gujarat).
5. Shri Arun Kumar Gupta, Ex-Director General, Sports Authority of India, J.L. Nehru Stadium, New Delhi. presently under transfer as Development Commissioner, Udyog Bhawan, New Delhi-11.
6. Col. B.S. Ahluwalia, Executive Director and Chief Administrator (Stadia), Sports Authority of India, J.L. Nehru Stadium, Lodi Road, New Delhi-110003. . . . Respondents

(By Advocate: Shri K.C. Sharma
with Shri M.K. Gupte)

ORDER

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

As these two O.A.s involve common questions of law and fact they are being disposed of by this common order.

2. Applicant had initially filed CWP No. 1814/89 in Delhi High Court, which by order dated

30.4.98 was transferred to CAT for disposal and has been renumbered as T.A. No. 1/98. In this case applicant had impugned respondents' order dated 14.6.89 replacing his services at the disposal of his parent office (Dte. of Youth Services and Cultural Activities, Government of Gujarat) w.e.f. 30.6.89.

3. It is applicant's own case in the CWP/TA that he was working as a Hockey Coach in the Dte. of Youth Services and Cultural Activities, Government of Gujarat, when he joined Sports Authority of India (SAI) w.e.f. 13.1.87 as a Hockey Coach on deputation for a period of two years in the first instances (Ann. XXX), and on 13.2.87 he was selected and appointed as Asst. Director on the following terms.

"The deputation of the officer will be upto two years in the first instance from the date of joining SAI as Coach i.e. on 13.1.87 which may be extended upto three years (Ann. XVI).

3. It is further applicant's case that w.e.f. 12.1.89 his deputation period expired, but he was neither relieved of his duties in SAI and repatriated by SAI to his parent Dept., nor was he called back by his parent Dept., and ^{as per} the SAI service Bye Laws, 1987 and Government of India decision referred to in the body of the CWP/TA, he stood permanently absorbed in SAI on deemed absorption basis w.e.f. 12.1.89.

4. Furthermore applicant in his representation dated 18.6.93 addressed to Director

(Per) SAI has stated clearly and unequivocally that he stood absorbed in SAI w.e.f. 8.2.89 (Ann. R-XII to reply of Respondents 1 and 2 in O.A. No. 1825/98).

5. Hence applicant is now legally estopped from challenging in O.A. No. 1825/98,

(i) respondents' order dated 29.1.98 permanently absorbing in SAI w.e.f. 9.2.89 (Ann. A-1 in O.A. No. 1825/98);

(ii) respondents' order dated 24.8.98 compulsorily retiring him from service as a measure of penalty pursuant to departmental proceedings instituted against him.

by contending that he continued to remain a deputationist and had not become a regular employee of SAI.

6. During hearing, save and except the contention referred to above, no legal infirmity in the conduct of departmental proceedings was pointed out to us, which would warrant judicial interference in the penalty order.

7. In the result T.A. No. 1/98 is dismissed as having become infructuous and O.A. No. 1825/98

(M)

is dismissed on the grounds of applicant's challenge
therein being hit by estoppel. No costs.

(Kuldip Singh)
Member (J)

(S.R. Adige)
Vice Chairman (A)

/GK/

Rajendra Singh
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