

Central Administrative Tribunal
Principal Bench

O.A. No. 2346 of 1998

New Delhi, dated this the 24th December, 1998

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

Shri M.K. Paliwal,
S/o shri M.L. Paliwal,
Office Supdt, Gr. II,
'P' Branch,
Northern Railway,
Baroda House,
New Delhi. ... Applicant

(By Advocate: Shri B.S. Maine)

Versus

Union of India through

1. The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan,
New Delhi.
2. The Chief Administrative
Officer,
Central Organisation for
Modernization of Workshops,
Tilak Bridge,
New Delhi.
3. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondents

O R D E R

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

I have heard applicant's counsel in this O.A., in which applicant has impugned the respondents' order dated 15.9.98 repatriating him to his parent cadre in Northern Railway.

2. Admittedly applicant was on deputation to COFMOW from his parent cadre. It is well settled that a deputationist has no enforceable legal right to compel the department/organisation to which he has been deputed, to continue to retain

him, and the department concerned is fully entitled to repatriate the deputationist to his parent department.

(A)

3. In applicant's initial representation dated 22.9.98 (Ann. 4) against his repatriation, the grounds taken by him are that great financial loss has caused and mental torture has occurred. None of these grounds can be considered valid grounds to compel respondents to rescind their impugned order. By subsequent representation dated 12.10.98 (Ann. A-5) applicant has alleged that this repatriation has been ordered because he had opposed the alleged illegal activity of some officers, but this allegation is clearly an after thought.

4. The fact that the services of another officer have been called for to replace applicant vide letter dated 23.9.98 (Ann. a-6) still does not give him any enforceable legal right to compel respondents to continue to retain him on deputation.

5. The O.A. is dismissed in limine.

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

/GK/