

(2)

Central Administrative Tribunal
Principal Bench

O.A. 2387/98

New Delhi this the 8. th day of December, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri N. Sahu, Member(A).

Surender Singh,
S/o Shri Khachedu Singh,
R/o A-58, HIL Apartments,
Sector 13, Rohini,
New Delhi.

...Applicant.

By Advocate Shri S.S. Dass.

Versus

1. Director General,
Narcotics Control Bureau,
Department of Revenue,
Ministry of Finance, West Block I,
Wing No. V, R.K. Puram,
New Delhi.
2. Dy. Director (Admn.),
Delhi Zonal Unit,
Narcotics Control Bureau,
Department of Revenue,
Minsitry of Finance, West Block I,
Wing No. VII, R.K. Puram,
New Delhi.
3. Revenue Secretary,
Deaprtment of Revenue,
Ministry of Finance,
North Block,
New Delhi.

...Respondents.

O R D E R

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

The applicant, who was working as Intelligence Officer in the office of Respondent 2, is aggrieved by the order dated 1.12.1998 repatriating him to his parent cadre with effect from the afternoon of the same date.

2. We have heard Shri S.S. Dass, learned counsel for the applicant. He has submitted that the applicant has been working with respondents on deputation basis for more than four years. He has very vehemently submitted that the impugned

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order of repatriation with immediate effect is without any ¹⁸time or reason as the applicant has been working satisfactorily with Respondent 2.

3. This application has been filed on 3.12.1998. Learned counsel has submitted that there was no need to file any representation to the respondents to reconsider their decision to repatriate him in the parent cadre, on the grounds mentioned in the O.A., for example, that the eldest daughter of the applicant is studying in final year of B.Sc and his younger daughter is studying in 12th class from C.B.S.E. He has also submitted that certain other persons have been retained for longer period and, therefore, the decision of the respondents in the impugned order dated 1.12.1998 is illegal.

4. We note from the fact stated in Para 6 of the O.A. that the applicant has declared that he has exhausted all the remedies available to him under the relevant Rules. Learned counsel has also submitted that there is no need for the applicant to file any representation against the impugned order bringing out the grounds he has alleged, including mala fide and arbitrariness on the part of Respondent 2 for passing the impugned order.

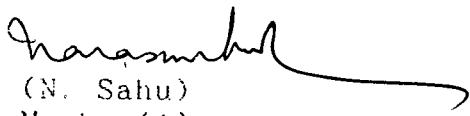
5. Having regard to the provisions of Section 20 (1) of the Administrative Tribunals Act, 1985, we are of the view that the applicant has made no attempt at all to exhaust the remedies available to him by even making ^a representation to the respondents against the impugned order ^{and has} immediately ¹⁸ before filed this O.A. in the Tribunal. There is also nothing on record to show that the respondents have acted in any mala fide or arbitrary manner and mere allegation of mala fide without

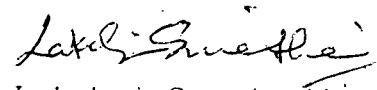
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vide without evidence to prove it will not assist the applicant. This is accordingly rejected. The other grounds taken by the applicant are in regard to his family situation which it is for him to take up with the respondents if he wants to. We find no merit in this application, as the applicant has no enforceable right to continue on deputation.

4. For the reasons given above, this O.A. is dismissed at the admission stage itself. No order as to costs.


(N. Sahu)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'