

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 872 /1998

DATE OF DECISION : _____

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER ()

Prithvi Singh & Ors.

... Applicant(s)

-Versus-

Union of India & Anr.

... Respondent(s)

Advocates :

Mr./~~Ms.~~ P. K. Roy for Applicant(s)

Mr./~~Ms.~~ Rajeev Bansal for Respondent(s)

- ✓ 1. Whether to be referred to Reporter? *yes*
2. Whether to be circulated to other Benches?

Km
(K. M. Agarwal)
Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A. No.872/98.

NEW DELHI, THIS THE 30TH DAY OF NOVEMBER, 1998.

HON'BLE SHRI JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE SHRI R.K.AHOOJA, MEMBER (A)

1. Prithvi Singh
S/o L.Guman Singhji r/o
639, Lodhi Road Complex,
New Delhi-110003.
2. Bikram Singh
S/o Late Sri Laxman Singh
R/o B-15/2 Jitarnagar Parwana Road,
Delhi-51.
3. Raghubir Singh
C/o Ram Saran Mistry S/o Niyar Singh
r/o IHB Lalkuan, Badarpur,
New Delhi-110011.
4. Rajinder Singh s/o
Sri Ram Naresh Singh
r/o Himaipur, 60-B Near
Mohammadpur, M.P.Police,
New Delhi.

....APPLICANTS

(BY ADVOCATE SHRI P.K.ROY)

vs.

1. The Union of India
Through the Secretary,
Department of Personnel &
Training, North Block,
Central Secretariat,
New Delhi.
2. Director, Central Bureau of Investigation,
Block-3, CGO Complex,
Lodhi Road, New Delhi.

.....RESPONDENTS

(BY ADVOCATE SHRI RAJEEV BANSAL)

ORDER

JUSTICE K.M. AGARWAL:

By this O.A. the four applicants are challenging the orders of repatriation issued by the respondents and seeking a direction to absorb them in the Central Bureau of Investigation, (in short, "CBI").

2. Briefly stated, the applicants were either Constables or Head Constables under various para military and State Police Forces. Their services were transferred to the CBI and they thereafter, worked on deputation under the CBI for various periods ranging between 8 to 12

years as alleged in the application. By the impugned orders, their services were repatriated to their parent departments on the changed policy of the CBI not to absorb the persons on deputation unless absolutely necessary. Having failed to persuade the respondents to reconsider their policy and to consider their cases for absorption, they have filed the present O.A. for the said reliefs.

3. The learned counsel for the applicants argued that as per recruitment rules of the CBI, certain posts could also be filled in by transfer on deputation ordinarily for a period of five years. That provision in the recruitment rules was not rigidly followed and the applicants were allowed to continue to work on deputation even after expiry of their initial period of deputation. Such persons on deputation were earlier considered for absorption and used to be absorbed after assessment of their suitability by D.P.C. Suddenly the policy was changed and it was decided that except in special cases, persons on deputation would not be considered for absorption. This policy decision is being challenged as arbitrary and discriminatory in nature. The learned counsel cited State of Punjab & Ors. v. Ram Lubhaya Bagga etc. etc., JT 1998 (2) S.C. 136, M.P. Oil Extraction v. State of M.P., (1997) 7 SCC 592 in support of his contentions.

4. The learned counsel for the respondents submitted that a person on deputation has no right to be absorbed and, therefore, the application is misconceived.

5. After hearing the learned counsel for the parties and perusing the record, we are of the view that this application has no substance and deserves to be dismissed. As held by the Supreme Court in Ratilal B. Soni v. State of Gujarat, AIR 1990 SC 1132, a person on deputation cannot ordinarily claim absorption or challenge his order of repatriation. Perhaps realising this

14

difficulty, the learned counsel for the applicants tried to build up a case of discrimination by submitting that by the change of policy, the deputationists like applicants working on the date of the said policy cannot be denied consideration for absorption, particularly when in the past similar deputationists were considered and actually absorbed by the CBI. The validity of any government policy cannot be questioned as it is not normally within the domain of any court or Tribunal as held by the Supreme Court in the two cases relied on by the learned counsel for the applicants. In those cases we find nothing to support the contention of the applicants. Reference to Article 21 of the Constitution was misplaced. We, therefore, find that this application is misconceived and liable to be dismissed.

6. In the result, this O.A. fails and it is hereby dismissed, but without any order as to costs.

Km

(K.M.AGARWAL)
CHAIRMAN

R.K. Ahooja

(R.K.AHOOJA)
MEMBER (A)