

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 984/98

New Delhi this the ²⁰ Day of May 1998

Hon'ble Shri Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Ahooja, Member (A)

Jachi Ram,
Son of Shri Sadananad,
Ex-Hindi Translator of Town and Country Planning
Organization,
Under the Ministry of Urban Affairs
R/o B-9/10 AAI Colony,
Mahipal Pur,
New Delhi. Petitioner

(By Advocate: Shri S.C. Saxena)

-Versus-

1. The Secretary,
Ministry of Urban Affairs & Employment,
Nirman Bhawan,
New Delhi.

2. The Chief Planner,
Town and Country Planning
Organization,
'E' Block, Vikas Bhawan,
I.P. Extension,
New Delhi. Respondents

(By Advocate: None) ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The petitioner while working as Lower
Division Clerk (LDC) in the Ministry of Urban
Affairs, was appointed to the post of Hindi
Translator in Town and Country Planning Organization
on deputation basis for three years w.e.f.
11.2.1992. On expiry of period of three years, his
deputation was extended by one more year. He was
thereafter required to go back to his parent
department. Aggrieved by the proposed order of
reversion to the original post of LDC he filed an OA
No. 318/96 decided on 7.5.1996, holding that the

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applicant has no legal enforceable right to continue on deputation. The Tribunal however further observed as follows in its order.

(3)

"It is open to the applicant to make this prayer to the respondents through a self contained representation within 2 weeks from the date of receipt of a copy of this judgement on receipt of which the respondents should dispose of the same in accordance with extant rules".

2. The applicant now says that he made a representation to the respondents which has been rejected by the impugned order Annexure A dated 23.3.1998. Aggrieved by this he has again come to the Tribunal seeking a direction to the respondents that he may be allowed to continue as Hindi Translator and not LDC/UDC and his retiral benefits also be determined accordingly.

3. We have heard the learned counsel for the applicant. He submits that the applicant had obtained a stay order by way of an interim direction in OA No. 318/96. However, as this interim order was not vacated by the Tribunal and the OA was disposed of by order dated 7.5.1996, he had a right to continue under the protection till his retirement, moreso, as the respondents did not dispose of his representation till nearly two years after his retirement by the impugned order Annexure A-1. On being asked the learned counsel fairly admitted that the Respondent No. 2 did not pay the salary to the applicant for the relevant period.

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4. On consideration we find that the applicant has no case whatsoever. As regards his right to continue on deputaion, the Tribunal has already held in OA No. 318/96 that he has no legal enforceable right to so continue. He can also not pleaded that he was entitled to continue on the strength of an interim order. Once the final order is passed, all orders interim and interlocutory in nature, sub-merge into the final order, and unless the relief granted by the interim direction is made absolute or is directed to be continued specifically byway of final relief, the same lapses automatically.

5. In view of this position, the OA is dismissed at the very threshold at the admission stage itself.

K.M. Agarwal

(K.M Agarwal)
Chairman

R.K. Ahuja

(R.K. Ahuja)
Member (A)

Mittal