

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH: NEW DELHI

O.A. No.2419/97

New Delhi this the 4th Day of December 1998

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)
Hon'ble Shri R.K. Aahooja, Member (A)

Shri Mahesh K. Sexena
Son of Shri K.B. Sexena,
Architect, Chief General Manager,
ALTTC, Ghaziabad and
Resident of F-232/B
Mangal Bazar, Laxmi Nagar,
Delhi-110 002.

Applicant

(By Advocate: S.C.Saxena)

-Versus-

1. The Secretary,
Ministry of Home Affairs,
Personnel & Trg. (PAS),
Govt. of India, South Block,
New Delhi.
2. The Secretary,
Ministry of Telecommunication,
Govt. of India, Sanchar Bhawan,
New Delhi.
3. The Director (ARCN) (AEPE) D>O.T.,
Ministry of Communication,
108 Dakbhawan,
Parliament Street,
New Delhi.

Respondents

(By Advocate: Shri Mohar Singh)

O R D E R

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

The applicant who was working with the Department of Telecom made an application to the Ministry of Home Affairs for his candidature for a suitable Foreign Assignment vide letter dated 8.3.1984. He received a letter from the Ministry of Personnel dated 10.12.1985, Annexure A-1, informing him that he was proposed to be considered for assignment as a Junior Architect with the Royal Government of Bhutan. The applicant submits that he wrote back vide letter dated 14.6.1986 that he was ready to offer his services for the post of Architect

(Class I). The Department of Personnel wrote to the Director, SCA Ministry of Communication that the applicant had been selected for the post of Architect to the Royal Government of Bhutan and he may be relieved to join his new assignment. Accordingly the applicant joined at Thimphu, Bhutan on 27.11.1986 The Ministry of Communication also issued an order dated 22.9.1986 that the terms and conditions of deputation of the foreign assignment will be those contained in the Ministry of External letter No. EIV/551/77/77 dated dated 8.11.1977 as amended from time to time. The applicant alleges that he was throughout under the impression that he was appointed as an Architect but on arriving at Bhutan, he found that he was given the pay and perks of the post of Assistant Architect, the post he was holding prior to his joining under Govt. of Bhutan. The applicant made numerous representations for securing the pay and perks for the post of Architect also pointing out that certain other officers similarly placed who were holding the post of Assistant Engineer in their parent departments were given pay and allowances of higher posts on deputation to Bhutan. However, his claim has not been acceded to and favourable response has been intimated to all of his representations.

2. The respondents have raised preliminary objections that the O.A. is not maintainable as the relief claimed by the applicant pertains to the Royal Govt. of Bhutan.

3. We have heard the counsel on both sides. It is clear that applicant had joined the Royal Govt. of Bhutan on foreign assignment and his pay and allowances were also being received from the Bhutan Government. He joined in Bhutan on deputation in November, 1986 and was repatriated in November, 1988. The learned counsel for the applicant has argued that even though the pay and perks were to be given by the Bhutanese Government, the applicant's assignment in the Bhutanese Government was on the basis of an understanding with the Govt. of India and as the primary employer, the Govt. of India is liable to make up the difference in the pay and perks which he was entitled to as per the understanding given to him.

4. We do not find that this argument is valid. The applicant had gone on deputation way back in 1986 and came back in 1988. Even if, he had a claim against the respondents herein, he has waited for nearly ten years to come before the Tribunal for relief. There is also no denial that his pay and allowances have been paid by the Royal Govt. of Bhutan. Bhutan is a sovereign country and nothing more can be done by the respondents than to forward representations of the applicant which they have already done. In these circumstances, no relief can be given to the applicant.

5. In the light of the above discussion, the
O.A. is dismissed as not maintainable. No order as to
costs.

R.K. Ahooja
(R.K. Ahooja)
Member(A)

A.V. Haridasan
(A.V. Haridasan)
Vice Chairman(J)

Mittal