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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...

OA.No.444 of 1997

Dated New Delhi, this 6th day of August, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN (J)  
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

K. N. Arora  
Deputy Commissioner (FF)  
Department of Animal Husbandry &  
Dairying, Ministry of Agriculture  
Government of India  
Room No.263, F. Wing  
Shastri Bhawan  
NEW DELHI-110001.

... Applicant

By Advocate: Ms Usha Siddharthan

versus

Union of India, through  
1. Secretary  
Department of Animal Husbandry  
& Dairying  
Ministry of Agriculture  
Krishi Bhawan  
NEW DELHI-110001.

2. Secretary  
Department of Personnel &  
Public Grievances  
North Block  
Central Secretariat  
NEW DELHI-110001.

... Respondents

By Advocate: Shri S. M. Arif

O R D E R (Oral)

Dr Jose P. Verghese, VC(J)

The case of the applicant is that he has been appointed as Deputy Commissioner (Feed & Fodder) in the scale of 3700-5000 on transfer on deputation for a period of four years as prescribed under the Recruitment Rules by an order dated 11.8.92. The respondents had extended this period for one year and thereafter by the impugned order the applicant

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9

has been now ordered to be repatriated to his parent cadre. The allegation of the applicant is that under paragraph 9.3 of the relevant rules on transfer/deputation, the applicant could stay one more year — wherever the Recruitment Rules provides for a period of deputation which could be extended for another two years under such Rules. However, the said para shows that the power to extend for one more year in accordance with the said paragraph is a discretionary power. The learned counsel for the applicant also stated that till the question of encadrement of the present post is decided, the applicant may not be prematurely sent back to the parent department after the period of deputation is expired.

2. The learned counsel for the respondents, on the other hand, submitted that under paragraph 9.4 of the same Rules regarding the deputation, the maximum period is five years and since the applicant has completed five years, the respondents have correctly passed an order for repatriation of the applicant to the parent cadre. We are unable to accept this contention on the count that paragraph 9.4 is not applicable to the applicant.

3. The five-year period mentioned in paragraph 9.4 is applicable to those cases wherever the

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10


deputation period is not specifically mentioned in the Recruitment Rules. In cases wherever deputation period is mentioned in the Recruitment Rules it is plus two years even though the discretionary power for extension for another two years rests with the DOP&T. That shows the total period of deputation in the present case under the rules would be six years.

4. The learned counsel for the respondents has brought to our notice that the effect of repatriation would be that the applicant would be now returned to the parent department wherein the applicant would be holding the post of Director in the lower scale, but the Fifth Pay Commission has now recommended the said post to be equated to that of Deputy Commissioner (Feed & Fodder) in the scale now applicable to the Deputy Commissioner (Feed & Fodder). In the circumstances, in no way the applicant is made to suffer in any manner by the repatriation order. It was also pointed out that the Fifth Pay Commission has now recommended the encadrement of the post of Director in the parent cadre and in view of this fact and that the Deputy Commissioner's post which the applicant is holding on deputation is yet to be encadred, we find no merit in this application.

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111

5. The OA is dismissed. No order as to costs.

  
(K. Muthukumar)  
Member(A)

  
(Dr Joseph P. Verghese)  
Vice Chairman(J)

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