

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

OA No. 2371/94

Dated this the 27th day of January, 1995

Shri P.T. Thiruvengadam, Hon. Member(A)

Dr. A. Vedavalli, Hon. Member(J)

Shri S.B. Kaushik,
S/o Late Shri Bharat Singh,
R/o Raksha Kunj,
Paschim Vihar,
New Delhi

...Applicant

By Advocate Shri K.P. Gupta.

versus

Union of India through
The Secretary,
Department of Agricultural Research
and Education,
(Ministry of Agriculture),
Krishi Bhawan, New Delhi 110 001.

...Respondents

By Advocate Shri V.K. Rao.

O R D E R (Oral)
(By Shri P.T. Thiruvengadam)

The applicant was functioning as Section Officer in I.C.A.R. Headquarters. An office order dated 31.12.91 (Annexure-III to the OA) was issued posting the applicant as Desk Officer in NARP Section. From the date, a person takes over the charge of the post, the post of Desk Officer entitles the incumbent to a special pay of Rs.150/- per month over and above his pay as Section Officer.

2. On 17.11.94, the respondents have issued a circular calling volunteers for filling up the post of Desk Officer (Annexure-I to the OA) in NARP.

3. Apprehending possible reversion, the applicant has filed this OA for a direction to restrain the respondents from filling up the post of Desk Officer

in NARP, which post is being occupied by him. Interim order directing the respondents not to revert the applicant from the post of Desk Officer has been passed on 1.12.94.

4. The learned counsel for the applicant argued that the applicant had been posted as Desk Officer by a regular process of selection. He contends that his post is not to be filled on tenure basis and there are quite a few others, who are continuing in such posts for more than 3 years.

5. On the other hand, the learned counsel for the respondents drew attention to Department of Personnel & Administrative Reforms OM dated 11.12.75 (Annexure-PI at page 12 of the reply). As per this OM, the period of deputation of Desk functionaries is 3 years for all categories. This can however, be extended in case of CSS Officers. It is argued that no Desk Officer has a right to continue beyond 3 years. Once posted as Desk Officer, he would not be normally disturbed for a period of 3 years but further extention has to be based on the merits of the case.

6. After hearing both sides, we find that the matter to be decided falls within a narrow compass. From the OM dated 11.12.75, we note that the Desk functionaries are initially appointed for a period of 3 years. This period of 3 years is just over for the applicant. Further continuance cannot be claimed as a matter of right and it would depend upon the performance of the Desk Officer concerned. In view of

the filing of the OA, possibly the respondents could not apply their mind with regard to the extention of the applicant in his functioning as Desk Officer.

(A)

7. In the circumstances, we direct that the respondents should consider the case for extention of the applicant to continue as Desk Officer beyond the period of 3 years. It is unnecessary to add that the same norms that are being followed in other cases for such extention should be followed in this case also. Decision taken should be intimated to the applicant within a period of 3 months from the date of receipt of a copy of this order. Till the decision is conveyed, the applicant shall be kept in the post of Desk Officer.

8. At this stage, the learned counsel for the applicant sought liberty for filing a fresh OA, in case the respondents take a decision not to continue the applicant beyond 3 years. Since that would be a fresh cause of action, such liberty is already available to him.

9. With the above observations, the OA is disposed of. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

P. J. Das

(P.T. Thiruvenagadam)
Member(A)

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