

Central Administrative Tribunal, Principal Bench

Original Application No. 167 of 2000

New Delhi, this the 18th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P.Singh, Member(A)

Priya Vrat Sharma
S/o Shri Ram Sawrups
B-36, Aman Apartments
Sector-13, Rohini,
Delhi-85

- Applicant

(By Advocate: Shri Ravi Kant Jain, proxy for Shri Arun Bhardwaj)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
5, Shambhunath Marg
Delhi-54

2. Director of Education
Directorate of Education,
Old Sectt., Delhi

3. Deputy Director of Education
Distt. North West
Hakikat Nagar, Delhi

- Respondents

(By Advocate: Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat)

O R D E R (ORAL)

By Mr. M. P. Singh, Member(A)

Applicant in this OA has sought direction to respondents to permit him to join his parent department on the basis of lien on the post of Trained Graduate Teacher (in short 'TGT') and also maintain his seniority.

2. Brief facts of the case are that the applicant was appointed as TGT (Natural Science) on 1.4.92. On 21.2.95, he applied for the post of Junior Lecturer (Chem.) in Government of Haryana. His application for the said post of Junior Lecturer was forwarded to the Secretary, Haryana Subordinate Services Selection Board. On 26.2.96, he was appointed as Lecturer by the Director of Secondary



(b)

Education, Haryana in the pay scale of Rs.2000-3500. He was relieved by the respondents to join as Lecturer in Haryana subject to the condition that he would have a lien for two years on the post of TGT. On 3.2.98, he applied for extension of lien in the post of TGT and on 1.9.98, he requested the respondents to allow him to join his duties as TGT. According to him, the respondents have not replied to his letter nor they have allowed him to join his parent department. Being aggrieved by this, he has filed the present OA seeking aforesaid reliefs.

3. The respondents in their reply have stated that applicant was working as TGT in the pay scale of Rs.1400-2600 since 1.4.92. On 21.2.95, he applied for the post of Junior Lecturer (Chemistry) in the State of Haryana. His application for the post of Lecturer was forwarded by the Administrative Officer to the Secretary, Subordinate Selection Board, Haryana subject to the condition that he will resign from the post held by him in the event of his selection and in the event of his appointment to the aforesaid post of Lecturer, his lien will be retained for a period of two years during which he shall either revert back or he will be taken back in the present office provided the post held by him before joining the new department continued to exist for a period of two years. Alternatively, he will have to resign at the end of two years from the date of his release. The lien of the applicant was, therefore, retained for a period of two years in terms of the aforesaid conditions laid down at the time of his release. The applicant was duly intimated about the aforesaid condition. Since the lien of the

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applicant was only for a period of two years, the same has been terminated as he did not re-join his duty within the specified period of two years. In view of this, the application is totally misconceived and without any basis.

4. We have heard Shri Mohit Madan, proxy counsel appearing on behalf of Mrs. Avnish Ahlawat, learned counsel for the respondents. Learned counsel for the applicant was not present when the case was called out. We, therefore, proceeded to decide the case on merits under Rule 15(1) of CAT (Procedure) Rules.

5. After perusing the record placed before us, we find that the applicant was relieved of his duties as TGT to join the post of Junior Lecturer in the State of Haryana with the condition that his lien will be retained for a period of two years. At the end of two years, either he is to revert back to his parent department or if he does not report, his lien will be terminated. Applicant had joined the post of Junior Lecturer in March, 1996 and, therefore, his lien ceased to exist on completion of two years in March, 1998. Sub-para 2 and sub-para 5 of F.R.13 which are relevant here, provide as under:

"2. In the case of permanent Government servants, their lien may be retained in the parent Department/Office for a period of two years. They should either revert to the parent Department/Office within that period or resign from the parent Department/Office at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other Departments/Offices.

5. In exceptional cases where it would take some time for the other Department/Office to confirm such Government servants due to some other administrative reasons, the permanent Government servants may be permitted to retain their lien in the parent Department/Office for

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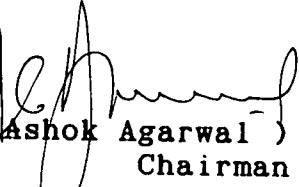
one more year. While granting such permission, a fresh undertaking similar to the one indicated in sub-para (2) above may be taken from the permanent Government servants by the parent Department/Office. A similar treatment may be accorded to the quasi-permanent employees on their giving an undertaking similar to the one indicated in sub-para (3)."

(9)

6. From the aforesaid facts, we find that the applicant's lien could not be continued beyond two years as no request has been made by the department where he was working as Junior Lecturer to his parent department to extend the lien, in case he was being considered for permanent absorption in the present department. In view of this, the applicant has no claim to continue his lien and revert back to his parent department to the post of TGT, where he was working before being appointed as Junior Lecturer. In view of the above discussion, we find that this OA is devoid of merit. It is accordingly dismissed. No order as to costs.


(M.P. Singh)
Member(A)

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(Ashok Agarwal)
Chairman