

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 2459/2000

Wednesday, this the 6th day of February, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Joginder Pal
No.662655387
Senior Accountant
Pay & Accounts Division
Border Security Force
Pushpa Bhawan, Madan Gir,
New Delhi

..Applicant

(By Advocate: Shri Anil Gautam)

Versus

1. (i) Union of India
Through Secretary
Ministry of Home Affairs
North Block
New Delhi
- (ii) Union of India
through Secretary
Department of Personnel & Training,
Ministry of Personnel
Public Grievances, Pension &
Pensioners' Welfare
North Block, New Delhi
2. Director General
Border Security Force
Block No.10, CGO Complex
Lodhi Road, New Delhi

..Respondents

(By Advocate: Shri A.K. Bhardwaj)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

When the case was heard earlier, the main thrust of the submissions of Shri Anil Gautam, learned counsel for applicant was regarding the vires of Office Order issued by the respondents dated 26.4.2000 by which their earlier order dated 11.8.1987, was partially modified. The date of absorption of the applicant as Senior Accountant in Pay & Accounts Division (PAD), BSF was ordered to be read as 11.8.1987 instead of 29.10.1984.

2. After hearing Shri Anil Gautam, learned counsel for applicant and Shri A.K. Bhardwaj, learned counsel for respondents further on the aforesaid issue, our attention was drawn by both the learned counsel to the alternative prayer made by the applicant in paragraph 8 (iv) of the OA, the relevant portion of which is reproduced below:-


"8(iv)or alternatively repatriate the applicant to his parent cadre and place him at his correct place of seniority in the rank where his immediate junior Shri R.C. Randhawa has been promoted as Deputy Commandant, with all consequential benefits and arrears of pay..."

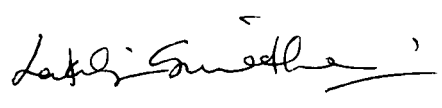
3. Learned counsel for respondents has clarified that the expression 'rank' in the aforesaid prayer would mean Inspector/Head Clerk in the parent Department as a combatised officer of BSF to which position he was promoted by the parent Department vide their Office Order dated 22.10.1986. After hearing the learned counsel for sometime, learned counsel for applicant submits that if the respondents will consider the above alternative prayer of the applicant to repatriate him to the parent cadre, he will have no objection. He has also submitted that the present application itself may be treated as the required representation for the same and has ~~further~~ submitted orally at the bar to this effect. Shri A.K. Bhardwaj, learned counsel has submitted that the respondents will consider the applicant's request for repatriation to his parent Department, i.e., Combatised Wing of the Ministerial staff of BSF, which is within the same Ministry of Home Affairs/Respondent 1. He has

18
further submitted that the same will be done in accordance with the relevant rules and instructions for which sometime may be granted to respondent 1 to take ^{an order} appropriate decision in the matter.

4. Noting the above facts and submissions, we do not propose to go into the merits of the case with regard to the applicant's earlier prayer for grant of seniority in the rank of Senior Accountant in PAD, BSF contained in paragraph 8 (iii) of the OA. However, as it appears that both the parties agree that they would like the alternative prayer ^{to be} considered, which has apparently not been done by respondent 1 so far, we consider it appropriate to dispose of the OA with the following directions:-

The respondents/ DG, BSF shall consider the applicant's alternative prayer mentioned above for repatriation to his parent cadre, i.e., the Combatised Wing/Ministerial cadre of BSF for absorption in the parent cadre from where he was sent on deputation to PAD, BSF on 10.11.1980, at an early date and in any case within two months from the date of receipt of a copy of this order. They shall also keep in view the promotion order dated 22.10.1986 promoting the applicant in the parent cadre to the post of Inspector/Head Clerk and shall pass necessary orders in accordance with relevant provisions of law, rules and instructions. No order as to costs.


(S.A.T. Rizvi)
Member (A)


(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

/sunny/