

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.
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Date of Decision: 26.3.93

OA 1857/89

SHRI KARAN SINGH ... APPLICANT.

VS.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).

HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicant ... SHRI B.B. SRIVASTAVA.

For the Respondents ... SHRI P.P. KHURANA.

J U D G E M E N T

(DELIVERED BY HON'BLE SHRI S.R. ADIGE, MEMBER (A).)

The grievance of the applicant Karan Singh, Staff Car Driver in the erstwhile Inland Waterways Transport Directorate, Ministry of Surface Transport, New Delhi, is that although he is a permanent hand, he has been declared surplus while persons junior to him are working in that Ministry.

2. His case is that while working as permanent Staff Car Driver in the IWT Directorate, he was sent to the Inland Waterways Authority of India, NOIDA, on deputation in terms of Section 11(1)(f) of IWAI Act, 1985 w.e.f. 30.1.87. The said IWAI, by their Office Order dated 31.5.89 (Annexure A-5) relieved him and 23 other similarly situated employees of

IWT Directorate w.e.f. 31.5.89 and directed them to report for duty in the Ministry of Surface Transport. The applicant accordingly reported for duty in the Ministry on 1.6.89 along with the other 23 employees, but while all other employees were given posting orders on 8.6.89, the applicant was not posted back to his parent department viz. IWT Directorate/Wing, where he holds his lien and was kept in the Ministry without any allotment of work. The applicant made several representations to the higher authorities, but without success. It was held that the applicant was one of the surplus employees of the erstwhile IWT Directorate and the Department of Personnel & Training was considering the redeployment of the applicant in the another such personnel. The applicant stated that he is a permanent Driver with 26 years of service in the Govt. and holds a lien in the IWT Directorate/Wing, and cannot be declared as surplus, when those junior to him are still working in the Ministry and have not been declared surplus.

3. The respondents have contested the application and have stated that consequent to the enactment of the IWAI Act, 1985, all properties, assets, ^{of the} ~~of the~~ ^{of the} ~~Government~~ ^{Government}, ^{and} ~~and~~ debts obligations and liabilities in respect of Inland Water Transport Directorate vested with the IWAI w.e.f. 27.10.86, and the IWTD ceased to exist with effect from that date. Section 11 of the IWAI Act, 1985, laid down the manner in which the employees of

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the erstwhile IWTD would be dealt with from 27.10.89 onwards and in the light of that provision, the applicant alongwith other employees was sent on deputation to the IWAI w.e.f. 27.10.86. In due course he was asked to exercise his option whether he wanted to get absorbed in the Authority or not. The applicant did not opt for being absorbed in the Authority alongwith 23 other such employees. As the IWTD stood abolished, the 23 employees alongwith the applicant were taken in the Surplus Staff Establishment created in the Ministry in consultation with the Department of Personnel & Training w.e.f. 1.8.89/7.9.89 under the scheme for re-deployment of the Surplus Staff, so that they could be paid their salary till their re-deployment. Their re-deployment was to be decided by the Department of Personnel & Training and till such time they were re-deployed, their services were temporarily utilised in the Ministry of Surface Transport as a purely interim arrangement. Meanwhile, efforts have been made to locate a post against which the applicant could be re-deployed, ^{but as} ~~and~~ the applicant insisted that he should be absorbed in the Ministry of Surface Transport alone ^{in which} ~~was~~ misconcieved, because the IWT Directorate was not a part of the Establishment of the Ministry of Surface Transport but was a subordinate office of the Ministry and stood abolished w.e.f. 27.10.86.

4. We have heard Shri B.B. Srivastava, learned counsel for the applicant, and Shri P.P. Khurana, learned counsel for the respondents. We have also perused the materials on record.

5. Shri Khurana informs us that remaining 23 employees have been absorbed in other offices, and it is only the applicant who remains to be absorbed. Our attention has also been drawn to the copies of the internal notings and Office Orders issued, from which it would appear that the services of the applicant are being utilised in the Ministry and his absorption will be made on re-deployment from the Surplus Cell. Shri Khurana also stated at the bar that if there was a regular vacancy of Staff Car Driver in the Ministry, the respondents would have no objection to consider the claim of the applicant to be absorbed against one such vacancy.

6. In view of the averments made by the learned counsel for the respondents at the bar, the respondents are directed to consider the absorption of the applicant against a regular vacancy in the Ministry of Surface Transport on his re-deployment by the Surplus Cell of the Ministry, within a period of three months from the date of receipt of a copy of this order. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

J.P. Sharma
26.3.73
(J.P. SHARMA)
MEMBER (J)