

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 868/1989. Date of Decision: April 26, 1989.

Shri Jeevan Singh Bhandari Applicant.

Vs.

Union of India & Another ... Respondents.

Coram:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. Kaushal Kumar, Member (A).

For the Applicant ... Shri B.B.Raval, Advocate.

For the respondents ... Shri N.S.Mehta, Sr.Standing Counsel.

(Order of the Bench delivered by Hon'ble Mr.Justice Amitav Banerji, Chairman).

Shri B.B.Raval, learned counsel for the applicant made a prayer to hear this Original Application in chamber. He stated that certain facts which are confidential in nature will have to be revealed and consequently prayed that he may be heard today. We accordingly heard him in chamber. Shri N.S.Mehta, learned counsel for the respondents was present at our request.

A perusal of the O.A. reveals that the applicant was formerly employed in the Border Security Force (BSF) as a Constable on 7.8.1971. From 1977 to 1985 he was posted to the Central Training School for Weapons and Tactics, Indore. In October, 1985, he had been sent on deputation to the Intelligence Bureau (IB). Subsequently he was assigned to the VS Branch which concerns the VIPs security. His duty was to drive cars for VIPs and other highly placed officials. It was further stated that

he had also been given a duty to report all things he had noticed and heard during his duty hours and submit his report to the Deputy Director (VS) or in his absence to the Deputy Central Intelligence Officer (DCIO) (VS).

He was, according to him, faithfully discharging his duties.

On 21.4.1989, he was served a Memorandum (Annexure A. 6 to the Application) indicating that he was relieved from VS Branch on the afternoon of 21.4.1989 and directed to report to AD(E). It was further indicated that JD/VS has desired that he may be formally relieved for his repatriation to parent department by AD/E. He is aggrieved by this order and has moved this present Original Application and has prayed for quashing the impugned repatriation order and for a direction to the respondents to ensure protection to the person and property of the applicant and his family members. He has also prayed for interim relief by staying the impugned order of repatriation and further to direct the respondents to allow the applicant to perform his duties in any Branch other than the VS Branch.

We have heard ld. counsel for some time and he emphasised that there were persons in the I.B. who were inimical to him and had conspired to throw him out of the VS Branch of the IB so as to plant someone else there.

We are not impressed by this line of argument. We are concerned with the legality of the order by which he has

been ordered to be repatriated to his parent organisation viz. the B.S.F. Admittedly, he was on deputation to the I.B. The deputation period of a person can always be cut short by the borrowing department at any time. One cannot complain about the same. The order dated 21.4.1989 does not disclose any stigma against the applicant and no remark has been made about his work or conduct. It is a simple order for repatriation to his parent department. The contention that his life was in danger because of the machination of some persons including some in the I.B. itself and that requires investigation does not impress us for if the applicant is possessed of some facts which are relevant in this context, he may disclose it to the Director of the I.B. in a confidential letter, who may then take up the matter for consideration. We cannot direct them in this O.A. to embark upon some enquiry on facts which have not been revealed in this O.A.

The applicant alleged that the order was passed mala fide against him. But he has not laid foundation with the facts in the Application. He has neither named such person nor impleaded him in this O.A. The impugned order does not indicate that the order was passed mala fide.

We do not find any legal infirmity in the order dated 21.4.1989 relieving the applicant from I.B. and repatriating him to his parent organisation, the

B.S.F. We, therefore, dismiss this Original Application
at the admission stage.

K. Kumar

(Kaushal Kumar)
Member (A)

(AB)

(Amitav Banerji)
Chairman