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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA No. 313/88

Date of decision: 10.06 1993.

Shri Pargat Singh Parmar

...Petitioner

Versus

Lt. Governor through Chief

Secretary, Delhi Administration & Ors.

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

None

For the respondents

None

Judgement (Oral)
(Hon'ble Mr. I.K. Rasgotra)

Neither the petitioner nor his counsel is present. None is present on behalf of the respondents also. Since this is an old matter, we are proceeding to dispose of this case on merits. The petitioner was appointed on deputation basis to the post of Legal Assistant w.e.f. 22.3.1983. His term on deputation was extended for a period of one year or till these posts are filled up in the regular manner whichever is earlier vide order dated 19.5.1984. The post of Legal Assistants were clubbed for the purpose of recruitment rules vide notification dated 20.3.1986. But the Legal Assistants in different departments continued to remain in separate cadres. The prayer of the petitioner is that the respondents be directed to amend the recruitment rules for the post of Legal Assistant thereby making the post of Junior Legal Assistant as the feeder post. It is further prayed that the petitioner be deemed to be a regular promotee on the post held by him. The next prayer made is that the petitioner's appointment should not be treated on deputation but instead be treated on promotion from the post of Junior Legal Assistant. If

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the above reliefs cannot be provided alternatively the petitioner may be accommodated in any other department of Delhi Administration.

2. The stand of the respondents is that the petitioner cannot be appointed on regular basis as Legal Assistant, as he was appointed on deputation basis only. The posts of Legal Assistant in Delhi Administration in different departments have not been encadred and, therefore, he cannot be transferred to other departments where vacancies are available.

3. When this case came up for hearing on 6.5.1988 the Tribunal directed that the applicant should be retained in his present post till a regular appointee is selected in accordance with the recruitment rules takes over. A detailed order was passed on 18.11.1988 on MP 2296/88. The MP was filed by the petitioner in apprehension of his being reverted from the post of Legal Assistant. This apprehension was based on the fact that the respondents have issued a circular for filling three posts of Legal Assistant on deputation basis. It was petitioner's contention that the Tribunal had passed an order directing the respondents to continue him in the post of Legal Assistant till a regular appointee is selected in accordance with the recruitment rules. If, however, the posts are filled on deputation basis this would be in violation of the orders of the Tribunal, as filling the post by deputation is not a regular appointment. Shri Sudan ^{Legal Counsel} who represented the Delhi


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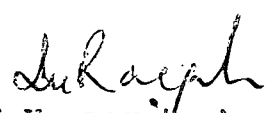
Administration submitted that according to the recruitment rules the appointment to the post of Legal Assistant is to be made only on deputation basis. He further submitted that so far no such appointment has been made and the applicant has not been reverted. In the relevant portion of the order the Tribunal observed "We, therefore, are satisfied that as of now, the applicant has no cause for grievance because he has not been reverted. If eventually he is displaced from his post and he feels that such displacement is in accordance with our order, he may come up at the appropriate time."

4. The petitioner has not approached the Court thereafter. He is also not present today. The O.A. had been filed by the petitioner when he had no cause of action, as no order had been issued which affected him adversely.

5. In view of the above facts and circumstances of the case, the O.A. is dismissed ^{as premature} No costs.


(J.P. Sharma)
Member (J)

San.


(I.K. asgatra)
MG R(A)