

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1082 1988
T.A. No.

DATE OF DECISION 9.6.1988

Shri T. K. Mehta Petitioner

Shri K.L. Bhandula, Advocate for the Petitioner(s)

Versus

Union of India & another Respondents.

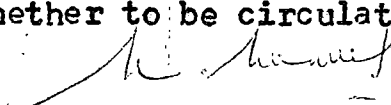
None Advocate for the Respondent(s)

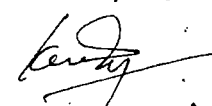
CORAM:

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes.
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to all the Benches? No


(Kaushal Kumar)
Member


(K. Madhava Reddy)
Chairman

9.6.88

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. CA 1082/88

Date of decision: 9.6.1988

Shri T. K. Mehta ----- Applicant

Vs.

Union of India & another ----- Respondents

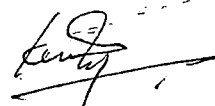
Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant Shri K.L. Bhandula, Counse

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

The applicant was appointed on deputation to the Narmada Control Authority as Assistant Director vide letter dated 29th/30th January, 1987. He was so appointed for a period of one year in the first instance vide order dated 9th February, 1987. His deputation was extended for a further period of one year vide order dated 21.1.1988 with effect from 9.2.1988. However, before the expiry of the second year of deputation, he was repatriated to his parent office vide Office Order dated 26.5.1988 on the ground that his services are no longer required by the Narmada Control Authority.

Feeling aggrieved by this order the applicant has moved this Tribunal under Section 19 of the Administrative Tribunals Act, 1985. Although his deputation was extended for one more year with effect from 9.2.1988 yet the one of the terms of the deputation clearly empowers the



Competent Authority to terminate the deputation before the expiry of that term. There is also no obligation imposed on the borrowing authority to give any notice before terminating the deputation or ordering repatriation to the parent department. Termination of deputation as the one now made does not amount to a penalty nor does it cast any stigma. No detriment is suffered by a deputationist on being repatriated to his parent department to hold the post which he was holding immediately prior to his transfer on deputation. In the absence of any Rule or any Office Memorandum requiring notice to be given or restraining the borrowing department from terminating the deputation of the applicant who is not borne on the cadre of the borrowing authority, the applicant cannot claim that his termination of deputation is illegal or improper warranting any interference by this Tribunal.

2. In the result, we find no merit in this application which is accordingly dismissed.


(KAUSHAL KUMAR)
MEMBER


(K. MADHAVA REDDY)
CHAIRMAN

9.6.88