



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2779/2016

This the 11th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Shri Vikram Rajpurohit,
Aged about 36 years,
S/o Sh. Roop Singh Rajpurohit,
R/o A-103, Shri Nand City-6,
New Moninagar, Nr. Baroda Express Highway,
Ahmedabad (Gujrat)
(Working as Accountant, in Pay and Accounts Office,
Central Board of Excise and Customs, Ahmedabad)

- **Applicant**
(through Advocate: Mr. Amit Anand)

Versus

Union of India through

1. The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi
2. The Controller General of Accounts,
Ministry of Finance,
Department of Expenditure,
7th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110001
3. The Pr. Chief Controller of Accounts,
CBEC, 1st Floor, AGCR Building,
ITO, New Delhi.
4. The Pay & Accounts Officer,
O/o PAO, CBEC, 2nd Floor,
Naugujrat College Building,
Ashram Road, Ahmedabad-380014.
5. The Commissioner,



Coal Mines Provident Fund Organisation,
Headquarters, Dhanbad Police Line,
HPO-Dhanbad-826001 (Jharkhand)

... Respondents
(through Advocate: Mr. Deepak Bhardwaj and
Ms. Prema Priyadharshini)

ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

The applicant has filed the present OA to challenge the communication/order dated 11.08.2015 (Annexure A-1) which reads as under:-

“Sub: Regarding-Permanent absorption of Sh. Vikram Rajpurohit, Accountant on deputation-reg.

With reference to your letter No.PAO/ADM/ Deputation/231 dated 19.05.2015 on the subject cited above, it is intimate that Sh. Vikram Rajpurohit who is presently working in your office as Accountant (on deputation). After approval of the competent authority, his request for permanent absorption was forwarded by this office. The same has not been considered and returned by office of the CGA, New Delhi alongwith an O.M. A-110201/1/2014/MF. CGA(A)/245 dated 23.07.2015 (copy enclosed).

This issues with the approval of the Competent Authority.”

2. It is the case of the applicant that pursuant to an advertisement in Employment News dated 17-23 September 2011 issued by Respondent No.3 for filling up of vacancies in the cadre of Accountants in the pay scale of Rs.5200-20200, PB-1, Grade Pay of Rs.2800/-, the applicant applied for the said post. In the said advertisement it has been stated that selected candidates can be considered for permanent absorption after



successful completion of two years on deputation subject to fulfilment of their eligibility conditions in the Central Civil Accounts Service (Group 'C'). The applicant participated in the selection process and on being selected, was appointed vide letter dated 14.06.2012. In the appointment letter, it is stated that there will be scope of absorption for deserving candidates. The respondent no.3 is stated to have conducted the meeting of Screening Committee/DPC for assessing the competency/suitability of the applicant for such absorption and the applicant has been found fit for the same but the respondent nos. 2 & 3 have not passed any order for absorption of the applicant.

3. Mr. Amit Anand, learned counsel for the applicant further submits that similarly placed persons have been absorbed by the respondents whereas order for absorption has not been issued by the respondent nos. 2 & 3 in case of the applicant and such action of the respondents is illegal and arbitrary.

4. Pursuant to the notice issued by this Tribunal, the respondents have filed counter reply and have opposed and disputed the claim of the applicant.

5. During the pendency of the OA, learned counsel for the applicant has filed Miscellaneous Application being MA No.2793/2020 praying therein for the following reliefs:-



“(i) allow the present MA and the matter may kindly be heard through virtual mode;

(ii) to direct the respondents to consider the case of the applicant herein also and the recommendation of DPC dated 10.07.2015, by which the applicant had been found ‘fit’ for permanent absorption, may kindly be processed further for permanent absorption to the post of Accountant.

(iii) may also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.”

6. It is submitted in the MA that an identically placed person has approached this Tribunal for similar relief vide OA No. 3478/2016 titled-**Sarita Kapoor vs. Union of India & Ors.** and this Tribunal has allowed the OA vide order/judgment dated 27.03.2017. The said judgment of this Tribunal is stated to have been affirmed by the Hon’ble High Court of Delhi vide order/judgment dated 13.12.2017 in W.P. (C) No.110008/2017 titled **Union of India & Ors. vs. Sarita Kapoor.**

7. In the aforesaid facts and circumstances, the applicant has prayed for the following reliefs in the OA:-

“(i) quash and set aside the impugned order marked as Annexure A-1 (colly);

(ii) direct the respondent no. 2 and 3 to consider the applicant for absorption as similarly situated person like the applicant have been considered in view of his service condition and the report of DPC/screening committee which has already assessed the services of the applicant;

(iii) May also pass any further order(s), direction (s) as be deemed just and proper to meet the ends of justice”.



8. The relevant portion of the order/judgment dated 27.03.2017 of this Tribunal (Annexure MA-1/colly) reads as under:-

“11. In view of the above discussion, our conclusion is that there is considerable merit in the arguments advanced by the applicant. We, therefore, allow this O.A. and set aside the communication dated 10.08.2015 by which applicant was denied consideration for absorption. The respondents are directed to process further the recommendations of the DPC dated 06.04.2015 by which the applicant had been found ‘fit’ for permanent absorption. In case, she is not ineligible for any other reason, she shall be so absorbed. Her deputation tenure will remain extended till her case for absorption is finally considered and decided. No costs.”

9. Para-12 of the order/judgment dated 13.12.2017 of the Hon’ble High Court of Delhi in W.P. (C) No. 11008/2017 (supra) reads as under:-

“12. In the light of the above facts, the respondent cannot be blamed in any manner for the delay on the part of the petitioners in processing her case. In our view, since the persons named above have been duly absorbed by the petitioners, the respondent who had joined as a deputationist prior to them, was equally entitled to be considered for absorption before them. The respondents representation dated 13.12.2013 seeking permanent absorption, had ripened for consideration immediately after September 2014, when her Parent Department had given her ‘No Objection’. The decision taken on 21.10.2014 by the petitioners to put on hold the absorption of all deputationists was admittedly suspended vide order dated 23.07.2015. That being the position, there was no good reason for the petitioners to have kept dillying dallying and taking, their own time to process the respondent’s case for permanent absorption. The entire fault lies at the door of the petitioners, for which the respondent cannot be made to suffer.”

10. Mr. Deepak Bhardwaj, learned counsel for respondents very fairly submits that the facts and the issue involved in the present OA are identical to that in



the case of **Sarita Kapoor** (supra) and the claim of the applicant is fully covered by that judgment read with order/judgment dated 13.12.2017 of the Hon'ble High Court of Delhi under reference.

11. In view of the aforesaid, the OA is allowed. The impugned order dated 06.07.2016 is set aside vide which the applicant has been denied consideration for absorption. The respondents are directed to process the recommendation of the DPC/Screening Committee held on 10.07.2015 on which the applicant is stated to have been considered by the said DPC/Screening Committee and is also stated to have been found fit for permanent absorption. It is further directed that if the applicant is not found ineligible for any other reason, he shall be so absorbed. The applicant's tenure on deputation which is stated to be continuing as on date shall remain extended till his case for absorption is finally considered and decided by the respondents.

12. The OA is disposed of in the aforesaid terms. No costs.

(R. N. Singh)
Member (J)

/cc/anjali/akshya

(A.K. Bishnoi)
Member (A)