



# Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 52/2015

Through video conferencing

Tuesday, this the 22<sup>nd</sup> day of September, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Pradeep Kumar, Member (A)**

Bhupender Singh, aged 50 years  
s/o late Sh. Pan Singh Kanyal  
Working as Assistant Central Intelligence Officer-II/G  
Intelligence Bureau Office, 25, Akbar Road  
New Delhi  
r/o F-200, Nanakpura, New Delhi

... Applicant

(Mr. Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary  
Ministry of Home Affairs  
Govt. of India, North Block  
New Delhi
2. The Director,  
Intelligence Bureau  
Ministry of Home Affairs, Govt. of India  
35 Sardar Patel Marg, New Delhi
3. The Assistant Director/C-4  
Intelligence Bureau  
Ministry of Home Affairs, Govt. of India  
35 Sardar Patel Marg, New Delhi

..Respondents

(Mr. U Srivastava, Advocate)

## O R D E R (ORAL)

**Justice L. Narasimha Reddy:**

The applicant was recruited as Constable (GD) in Central Industrial Security Force (CISF) on 21.06.1987. He went on deputation to Intelligence Bureau (IB),



Ministry of Home Affairs as Security Assistant in November, 1990. Thereafter, he was absorbed in that Department as Junior Intelligence Officer in September, 1996.

2. While serving in IB, the applicant went on deputation to Ministry of External Affairs (MEA) in June, 2002 as a Security Guard. He remained in that Ministry till he was repatriated to the parent department on 10.08.2009.

3. The applicant contends that his pay was fixed at the highest of the scale for the post of Security Guard in MEA, and w.e.f. 01.01.2006, he was put in the Grade Pay of Rs.2000/- . His grievance is that on repatriation, the respondents did not allow the increments for the period during which he was on deputation and that his pay was not stepped up, to be on par with that of his immediate junior.

4. The applicant submitted representation dated 06.09.2012. The respondents rejected the same through their reply dated 03.12.2012 and it was reiterated in memorandum dated 12.11.2013. According to the respondents, the applicant is not entitled to the increments for the period during which he was on deputation to MEA, since it was on a lesser scale of pay. It



was also mentioned that the facility of upgradation, on par with the next below is available only when the deputation is to the posts, that are of similar or higher category, compared to the one in the parent department. The applicant made further representations and they too were rejected through orders dated 03.12.2012 and 13.09.2011. This O.A. is filed challenging the orders dated 12.11.2013, 16.02.2013, 03.12.2012 and 13.09.2011.

5. The applicant contends that the respondents did not follow the principles, which are evolved, to protect in the interests of the employees, who go on deputation. He submits that certain benefits accrue to the employees, who are repatriated when they come back to their parent department, but the same was denied to him. By placing reliance upon the O.M. dated 05.06.1994 issued by the Department of Personnel & Training, the applicant contends that after repatriation to the parent department, notional increments were required to be extended to him.

6. In the counter affidavit, the respondents stated that F.R.26 & F.R.27 get attracted to the facts of the case and the reply was given to the applicant, in terms of those rules. It was also stated that once the applicant has chosen to go on deputation to a post, carrying the lower scale, on



his own volition, he cannot now avoid the consequences thereof.

7. We heard Mr. Yogesh Sharma, learned counsel for applicant and Mr. U Srivastava, learned counsel for respondents, at length, through video conferencing.

8. The facts are not in dispute. The applicant went on deputation to MEA in the year 2002 and worked there till 10.08.2009. It is a matter of common knowledge that whenever an employee goes on deputation, he continues to earn the increments and promotions in his parent departments also, and once he comes back, he is extended all the benefits in the full form. However, there are exceptions to this general rule. F.R. 26 & F.R. 27 are to the effect that the benefits of this nature are available, if only the deputation is to a post, which carries the same scale of pay or the higher one, compared to the one which the employee draws in the parent department. In other words, if the deputation is to a post carrying less pay in the borrowing department, such benefits are not available.

9. It is not in dispute that the applicant went on deputation to MEA to a post, which carried the lower scale of pay, compared to the one which he was drawing in the parent department. After he was repatriated to the



parent department, he was extended the benefits, which were otherwise allowable to him.

10. As regards the increments and notional promotion on par with his immediate junior, the respondents have given a clear answer, once again by invoking F.R. 26 & F.R. 27. The Rules are clear in their purport and they maintain a distinction between the employees who go on deputation to a post, which carries the same or higher scale of pay, on the one hand, and those who go on deputation to a post, which carries the lower scale of pay on the other. The case of the applicant falls under the second category.

11. Though the applicant placed reliance upon certain O.Ms., they did not deal with the instances of the deputation to a post carrying less pay. Further, the O.Ms. cannot override F.R. 26 & F.R. 27.

12. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

**( Pradeep Kumar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**September 22, 2020**  
/sunil/rk/ns/sd