

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

**O.A. No.1546/2020
M.A. No. 1951/2020**

Today, this the 12th day of January, 2021

Through video conferencing

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

Dr. Reetu Singh,
Deputy Registrar (MNIT),
Malviya National Institute of Technology,
JawaharLal Nehru Marg,
Jaipur (Rajasthan) 302017.

.. Applicant

(Through Mr.AnantAgarwal, Advocate)

Versus

National Council of Educational Research & Training,
Through its Secretary,
Sri AurobindoMarg,
New Delhi-110016.

.. Respondent

(Through Mr. Manish Kumar, Advocate)

ORDER (ORAL)**Justice L. Narasimha Reddy :**

The applicant joined the services of NCERT, the respondent organisation on 19.12.2002 as a Lecturer in History. Thereafter, her services were confirmed w.e.f. 20.12.2005. The applicant was also promoted to the Senior Scale on 19.12.2006.

2. The applicant went on deputation to National Council of Teacher Education (NCTE) as Under Secretary from 07.05.2010. She was repatriated to the parent organisation on 25.10.2013. It is stated that during her deputation, certain benefits were due to her, but they were not extended on time.

3. After joining the NCERT in October, 2013, she remained in that organisation for about three years. On 12.04.2016, the applicant submitted her technical resignation with a view to join as Deputy Registrar in Malviya National Institute of Technology. On joining that organisation, the applicant requested for a lien for a period of 2 years and that was accorded to her. However, the applicant did not return to the

Department within two years. On the other hand she requested for a further extension. However, through an order dated 11.10.2019, the respondents informed the applicant that her request for further extension of lien in the post of Assistant Professor cannot be considered and her lien shall stand terminated w.e.f. 12.04.2016.

4. The applicant made a request for granting the benefit of promotion to Stage-4. That was rejected through an order dated 09.10.2019 on the ground that she was not in the active service of the organization at the relevant point of time. Reference was made to the UGC Guidelines. This OA is filed challenging the orders dated 09.10.2019 and 11.10.2019. Direction is also sought for further extension of lien and for the extension of benefit of promotion.

5. The applicant contends that her services in the Malviya National Institute of Technology were not confirmed as yet and it becomes necessary to continue her lien on the post. It is also stated that the view taken by the respondent as regards the extension of benefit of promotion to Stage-04, is contrary to law.

6. We heard Shri Anant Agarwal, learned counsel for the applicant and Shri Manish Kumar, learned counsel for the respondent at the stage of admission, in detail.

7. The applicant joined the service of the respondent organisation in 2000, and was put in Senior Scale of Assistant Professor. After working for about 8 years, she went on deputation to NCTE. She came back to the parent organisation after three years, on repatriation. She worked in that organization for another spell of three years and was selected and appointed in the University. It was not an organization, to which the applicant went on deputation. She submitted technical resignation with a request to treat her lien in the post of Assistant Lecturer for a period of three years. The respondent accepted the request and maintained the lien.

8. The very purpose of granting lien is to enable the employee to come back before he specified period. It is axiomatic that, if the employee does not come back within that period, he/she ceases to be on the rolls of the organisation.

9. The respondent waited till the year 2019, i.e., almost for three years, and when she did not come back, they terminated her lien. As a matter of fact, they have no other option. A person cannot be on the rolls of two organisations, at one and the same time. The relevant Rules do not permit the extension of lien beyond three years. Therefore, no exception can be taken to the order dated 11.10.2019.

10. Reliance is placed upon the judgment of Hon'ble Supreme Court in **State of Rajasthan Vs. S.N. Tiwari** in Civil Appeal No. 1609/2009. That was a case in which the employee in a Government Department was sent on deputation to another Department. Before he was absorbed in the Borrowing Department, his lien in the parent Department was terminated. It was in that context, that, the Hon'ble Supreme Court held that the lien of an employee, who is on deputation, would remain intact till he is permanently absorbed in the Borrowing Department.

11. In the instant case, the applicant didn't go on deputation to Malviya National Institute of Technology. It was an

independent employment altogether. Obviously for that reason, she has submitted her resignation also. Therefore, no exception can be taken to the order dated 11.10.2019.

12. Coming to the order dated 09.10.2019, the applicant does not dispute that she was not in active service of the respondents at a time when she became otherwise due for promotion to Stage-04. The extension of monetary benefits that are provided for under the various schemes are not to dole out the public money. It is only in recognition of service rendered by the concerned employee, which, in this case is a Lecturer, that the benefit can be extended. The benefit cannot be expected on mere passage of time, without the employee being on work.

13. We do not find any merit in the OA and accordingly, the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 12th, 2021
/vv/jyoti/vb/akshaya/sd