

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00445/2020 & OA/021/424/2020

HYDERABAD, this the 19th day of August, 2020

CORAM

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



Bhedananda Padhan S/o Bhaskar Padhan,
Aged about 33 years,
Occupation Assistant Central Intelligence Officer,
(ACIOI), o/O Foreign Regional Registration Officer
(FRRO), SVP OCR Complex, Immigration Building,
FRRO Office Mamidipally Road,
Shamshabad 501 218,
R/o C5 101, SVP OCR Quarters.Applicant in both OAs

(By Advocate: Sri K. Siva Reddy)

Vs

Union of India, rep. by

1. The Secretary to the Govt of India
M/o Home Affairs, Jai Singh Marg,
NEW DELHI-1.
2. The Joint Deputy Director, Intelligence Bureau, IB, HQ.
35 SP Marg, Connaught Place, New Delhi.
3. Joint Director, Immigration, Bureau of Immigration,
New Delhi.
4. The Joint Director, Subsidiary Intelligence Bureau,
Koti, Hyderabad.
5. Foreign Regional Registration Officer (FRRO),
SVP OCR Complex, Immigration Building,
FRRO Office Mamidipally Road,
Shamshabad 501 218. Respondents (in OA 445/2020)

Union of India, rep. by

1. The Secretary to the Govt of India
M/o Home Affairs, Jai Singh Marg,
NEW DELHI-1.
2. The Director, Intelligence Bureau, IB,HQ.
35 SP Marg, Connaught Place, New Delhi.

3. Joint Director, Immigration, Bureau of Immigration,
New Delhi.

4. The Joint Director, Subsidiary Intelligence Bureau,
Koti, Hyderabad.

5. Foreign Regional Registration Officer (FRRO),
SVP OCR Complex, Immigration Building,
FRRO Office Mamidipally Road,
Shamshabad 501 218. ... Respondents (in OA 424/2020)



(By Advocate: Sri V.Vinod Kumar, Sr. CGSC)

COMMON ORDER (ORAL)

Hon'ble Mr. B.V. Sudhakar, Admn. Member

Through Video Conferencing

2. The OAs are filed in regard to rejection of extension of deputation of the applicant.

3. Brief facts are that the applicant was appointed as S.I. in CRPF, and on deputation, he came over to the Immigration Wing of the Intelligence Bureau located at Hyderabad on 25.8.2015. On deputation, he worked for 5 years and when the 5th respondent called for willingness for extension of deputation on 9.10.2019, applicant expressed willingness for continuation of deputation for the 6th year on 17.10.2019, which was rejected by the 5th respondent on 19.12.2019. On representing against the rejection, the Ministry of Home Affairs (the 1st respondent) vide letter dated 22.7.2020 (Annexure A-7) approved the extension of deputation up to 2021, which was communicated by 2nd respondent on 31.7.2020. However, the extension of deputation was cancelled vide impugned order dtd. 5.8.2020 by the 2nd respondent. Aggrieved, OAs have been filed.

4. The contentions of the applicant are that the rejection of the request for extension of deputation is against the Principles of Natural Justice. Advance notice was not given as para 9 of the guidelines for deputation. Respondents 4 & 5 have misled the 1st respondent. Reasons for cancellation were not given. The order of extension issued by R-1 has not been cancelled. The 2nd respondent cannot override the order of the Ministry.



5. Heard both the counsel and perused the pleadings on record.

6. Ld. Counsel for the respondents submitted that the applicant was given a charge memo and the penalty of censure was imposed recently. Requests of all others, who applied for extension of deputation, were considered favourably. Respondents have acted as per the guidelines. Ld. Counsel for the applicant has argued that after the first respondent has approved the extension of the applicant on 22.7.2020, a vested right has been created to hold the post by the applicant. Hence, it is necessary under law to give advance notice as enshrined in the deputation guidelines. Besides, the Impugned order dated 5.8.2020 is not a speaking order and hence, invalid. R-2 cannot overrule the orders of R-1. Besides, the Ld. Counsel for the respondents cannot submit facts, which are not stated in the Impugned order as has been laid down in M.S Gill case by the Hon'ble Apex Court. He further pleaded that the Jt. Director, Intelligence Bureau has instructed vide letter dated 17.7.2020 that officers under transfer should not be relieved till 31.10.2020. Ld. Counsel for the respondents contested this submission by stating that in the case of the applicant it is deputation and not transfer. Therefore, the letter referred to does not apply to the applicant's case.

7. After hearing both the sides and on going through the material papers on record, it is seen that the applicant has been granted extension of deputation on 22.7.2020 by the 1st respondent. The impugned order issued later on 5.8.2020 by the 2nd respondent cancelling the extension is devoid of reasons and hence, liable for challenge under law as well. It is to be looked into as to whether R-2 has taken approval of R-1 before cancelling the deputation. Consequently, to ensure fairness and justice, the 1st respondent is directed to re-examine and take a decision in the matter by considering the grounds raised in both the OAs and thereafter, issue a speaking and reasoned order based on relevant deputation guidelines, as well as in accordance with law, within a period of 4 weeks from the date of receipt of this letter. Till such an order is issued, the applicant shall be allowed to continue in the present post.

With the above directions, the OAs are disposed of, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/

(ASHISH KALIA)
MEMBER (JUDL.)