

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 207/2020

Date of decision: 16.06.2020

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Smt. Hina P. Shah, Member (J)**

Garima Singh D/o Shri Ratan Singh W/o of Shri Ravinder Prakash Arya, aged about 41 years resident of 602-D, Hanuman Nagar Extension, Vishwamitra Marg, Sirsi Road, Jaipur-302012 (Raj.) M.9414793693 (Applicant is holding the post of Senior Audit Officer – "Group A")

...Applicant.

(By Advocate: Shri Tanveer Ahmed)

Versus

1. Union of India through the Comptroller & Auditor General of India Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi-110124.
[E-mail: cagoffice@cag.gov.in]
2. The Principal Director, Regional Training Institute Jaipur, Indian Audit & Accounts Department, A.G.Colony, Bajaj Nagar, Jaipur-302015 (Rajasthan).
[E-mail: rtijaipur@cag.gov.in]
3. The Senior Administrative Officer, Regional Training Institute Jaipur, Indian Audit & Accounts Department, A.G.Colony, Bajaj Nagar, Jaipur-302015 (Rajasthan).
[E-mail: rtijaipur@cag.gov.in]
4. The Principal Accountant General Gujarat, Audit Bhawan, Commerce 6th Road, Opposite Ishwar Bhawan, Navrangpura, Ahmedabad, Gujarat 380009.
[E-mail: agaugejrat1@cag.gov.in]
5. Sh. Vinod Kumar Sharma, (Senior Audit Officer), R/o E-291, Vaishali Nagar, Jaipur-302021 (Rajasthan).
[E-mail: sharmavk.raj.sca@cag.gov.in]

...Respondents.

(By Advocate: Shri Anand Sharma)

ORDER (ORAL)

Per: Dinesh Sharma, Member (A)

In the instant OA, the applicant has prayed for quashing the order dated 1.6.2020 (at Annexure A/1 of the OA) relieving the applicant from the post of Core Faculty (Civil) at the Regional Training Institute, Jaipur where she has been working on deputation for the last two years. She has prayed for declaring the selection of private respondent- Shri Vinod Kumar Sharma, vide order dated 1.6.2020 as bad in law and therefore to be quashed and set aside. She has also prayed for directing the respondents to allow her to continue at RTI Jaipur, by extending her deputation in pursuance of vacancy circular dated 9.3.2020 (Annexure A/10) read with extension order dated 4.4.2020 (annexure A/11). Besides these, she has also prayed for an interim relief of staying the operation of the impugned selection order dated 1.6.2020 and the impugned relieving order dated 1.6.2020 (Annexures A/1 and A/2 respectively).

2. The case of the applicant, in brief, is that she was selected to work at RTI Jaipur, initially for a period of one year on deputation, following a vacancy circular dated 10.10.2017. Thereafter, her tenure was extended for another year till

(3)

6.4.2020. She had applied for deputation to this post on ground of her spouse working in BSNL, at Jaipur and on ground of his being a brain tumour patient. Her request for second extension has been arbitrarily rejected and in her place, Respondent No 4 has been wrongly selected though his application complete in all respects, was received much after the extended last date fixed for receipt of such application (30.4.2020).

3. The respondents have filed a reply in which they have denied the claim of the applicant. It is stated that request of the applicant for 2nd year extension of deputation was not found acceptable by the Respondent No 2 and the applicant as well as her parent office were informed about her being repatriated to her parent office after completion of her period of deputation. She was allowed to continue at her place even after the completion of period due to countrywide lockdown and was informed that she would be repatriated to the parent office after the lockdown is lifted. Accordingly, she was relieved from duty on 1.6.2020 with instructions to join her parent office. Meanwhile, applications were invited for filling the vacancy arising out of repatriation of applicant, and the last date of submission was 10.4.2020, which was later extended to 30.4.2020. In response to this, application was received from the applicant before the last date and an intimation of the application from Respondent No 5 was also received on 30.4.2020. His formal application, routed through his

(4)

cadre controlling authority, was received on 21.5.2020. It was accepted in the light of COVID-19 circular (Annexure-R/1, generally extending the timelines in such cases), and on the basis of the overall records, it was decided to select Respondent No. 5 for the deputation post of the said Core Faculty. Following the order dated 1.6.2020, Respondent No 5 has already joined as Core Faculty on 8.6.2020. The respondents have stated that there has been no arbitrary action and hence the prayer of the applicant should not be granted. Besides these, the respondents also mentioned about the applicant having earlier worked in Jaipur on deputation in another office (AG Rajasthan) and about a 5 year limitation on periods of deputation outside a parent department.

4. A rejoinder was filed by the applicant in which she denied the claims made in the reply of the respondents and reiterated that the deputation application of Respondent No 5 was received after the extended date fixed for making such application. She also questioned the rule regarding 5 year deputation being applicable on her, she being on deputation within the same department. She also questioned the competence of the respondent Institute to take a decision in this matter and stated that the decision on deputation matters should be taken by the IA &AD (of which both the RTI and the Cadre Controlling Authority

are a part). She submitted that she has made a representation before the CAG, India on 2.6.2020 (Annexure A/23).

5. We have gone through the records and heard the arguments of the learned counsels of both the parties. The learned counsel for the applicant argued for cancelling the impugned orders, and granting the interim relief of staying these orders, since the applicant deserved an extension/ reselection, being the only candidate who applied for this post within the prescribed time. The learned counsel for the respondents argued that the applicant had no legal right to continue on deputation after the expiry of period of such deputation. She was informed about this, was allowed to continue till the lockdown, and has been relieved after the lockdown was lifted. The Respondent No 5, who was validly selected, has already joined and therefore the OA deserves to be dismissed.

6. After going through the pleadings and hearing the arguments, it is clear that the applicant has been relieved after her period of deputation was over. Except for consideration on ground of her husband's illness and other factors demanding sympathetic treatment, we do not find anything which gives the applicant a legally enforceable right to continue at a place of deputation beyond the period of such deputation. The applicant has already been relieved and another person has joined in her

(6)

place. In such a situation, there is no case for granting an interim relief as prayed. It was observed by the Tribunal that since no interim relief is being granted and since the applicant has already requested the highest department authority, the C.A.G. for intervention in this matter, it will serve no purpose to keep this matter pending before this Tribunal. Learned counsel for the applicant agreed with this observation of the Tribunal, and after seeking instructions from his client agreed to pursue this matter further within the Department.

7. The matter is therefore, disposed of with a direction to the Respondent No 1 (UOI through the CAG of India) to give sympathetic consideration to the request of the applicant. We make it clear that we have, *prima facie*, found no legal right vested in the applicant to have her deputation extended and hence this direction will not confer any legally enforceable right on the applicant. No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/