

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2294/90
T.A. No.

199

DATE OF DECISION 4.1.1991.

Shri Rajeev Kumar Saxena	Petitioner Applicant
Shri B.B. Raval	Advocate for the Petitioner(s) Applicant
Versus	
Union of India through Secy., Miny. of Defence & Ors.	Respondent
Shri K.S. Dhingra, Sr.A.O., Miny. of Defence.	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

(Judgement of the Bench delivered by Hon'ble
Mr. D.K. Chakravorty, Administrative Member)

The applicant, who has worked as Stores Officer in the Armed Forces Film Photo Division in the Ministry of Defence, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the order dated 26.10.1990 and to direct the respondents to allow him to complete his normal tenure as Stores Officer upto 3rd September, 1991.

2. The facts of the case in brief are as follows.

The applicant joined Government service as Junior Scientific Assistant in the Directorate of Quality

Assurance Engineering Equipment in the Ministry of Defence (DGQA) on 2.8.1978 at Pune. He applied for the post of Stores Officer which was to be filled up on transfer on deputation basis for a period of three years as per the advertisement in the Employment News dated 1.10.1988. He was interviewed and selected for the said post. He was appointed by order dated 4.9.1989 for a period of one year in the first instance. Before the expiry of the said period, he was informed by order dated 28.8.1990 that the competent authority had accorded his approval for the extension of his deputation period for a further period of one year w.e.f. 4.9.1990 or till a regular incumbent became available, whichever was earlier. In other words, his deputation period would have extended upto 4.9.1991. On 9th and 10 January, 1990, the C.B.I. conducted a raid in the Armed Forces Film Photo Division in connection with complaints of mal-practice and bungling against the Director, Deputy Directors and other officers of the respondents. The applicant was summoned by the C.B.I. before whom he had to depose about the incident relating to the investigation. The applicant has alleged that the concerned officers of the respondents asked him to apprise them as to the depositions made by him before the C.B.I., but

he declined to do so. He feels that thereby he has incurred their displeasure. It is in this background that his deputation has been sought to be curtailed by the impugned order dated 26.10.1990 which, inter alia, reads as follows:-

"The deputation period of R.K. Saxena, Stores Officer, AFFPD, is hereby curtailed with immediate effect. He may be relieved of his duties from AFFPD immediately and directed to report to his parent office, viz., DGQA."


3. The respondents have stated in their counter-affidavit that the deputation period was curtailed in the interest of overall discipline and smooth running of the office. They have stated that there was continuous infighting in the Stores Section which had adversely affected the discipline and smooth functioning of the office. There were complaints against the applicant from his subordinates and counter allegations from him. The applicant and the Cashier under him complained of threats to their physical safety from each other. He had also lodged an F.I.R. with the Police. This led to the holding of a Fact Finding Enquiry with which the applicant did not cooperate. The respondents have also stated that the C.B.I. have adversely commented upon the applicant's conduct and have recommended regular disciplinary proceedings against

him. The C.B.I. have also indicted other officials earlier working in AFFPD. In the light of all these, the respondents have contended that they have curtailed the deputation period of the applicant in public interest.


4. We have gone through the records of the case carefully and have considered the rival contentions. The legal position is that a person who is on deputation, can be reverted to his parent cadre at any time (vide Rati Lal Soni Vs. State of Gujarat, 1990 (1) SCALE 228 at 229). A deputationist has no vested right to hold the deputation post. The period of deputation can be terminated at any point of time (vide R.N. Mishra Vs. Delhi Administration, 1985 (1) SLR 753; Shambu Nath Lal Srivastava Vs. State of U.P., 1984 (2) SLJ 34).

5. In view of the legal position mentioned above, we do not see any merit in the present application and the same is dismissed at the admission stage itself. The interim order passed on 6.11.90 directing the respondents to maintain status quo during the pendency of the application, is hereby vacated.

There will be no order as to costs.


(D.K. Chakravorty)
Administrative Member

4-1-1991


(P.K. Kartha)
Vice-Chairman(Judl.)