

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

2

Regn.No.CA 631/90

Date of decision: 04.05.1990.

Shri Kishan Lal

....Applicant

Vs.

Union of India through
the Secretary, Department
of Environment, Forests &
Wildlife

....Respondents

For the Applicant

....In person

For the Respondents

....Shri M.L. Verma,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? *Yes*
2. To be referred to the Reporters or not? *No*

(The judgment of the Bench delivered by Hon'ble Mr. P.K. Karthā, Vice Chairman(J))

The applicant while working as Deputy Commissioner (Training) in the National Watelands Development Board, Ministry of Environment and Forests, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the impugned order dated 6.4.1990 of the respondents whereby his deputation tenure has been terminated with effect from 10.4.1990 and his services were placed at the disposal of the Government of Haryana with effect from 11.4.1990. He has also prayed that he should be appointed to the post of DIGF or equivalent in super time scale of the Indian Forests Service with effect from 17.7.1989, the date when ^{one of} his batchmates was appointed to such post.

(X)

request which was supported by his superior officers in the National Wastelands Development Board, where he was serving.

4. The respondents have contended that extension in deputation tenure is agreed to only in very rare and exceptional cases. They have submitted that discretion in such matters, in so far as it is not arbitrary or unreasonable, is not subject to judicial intervention.

5. The applicant has alleged that Shri Vinay Tandon, who was his batchmate ^{was} appointed as DIGF with effect from 02.6.1989 and that he should also be appointed to the said post with effect from the same date. With regard to this contention, the respondents have stated that Shri Tandon was appointed to the Indian Forests Service on the results of the Indian Forests Service Examination 1974 and his year of allotment is 1975 whereas the year of allotment of the applicant is 1976. Shri Tandon is one year senior to the applicant.

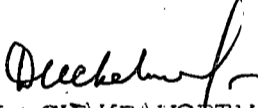
6. The applicant has referred to the promotion of Shri G.S. Joshi to the super time scale of the Service in the post of DIGF. The respondents have contended that his appointment to ^a higher post in the central deputation is not promotion.

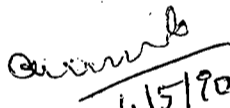
7. We have carefully gone through the records of the case and have heard the learned counsel of both parties. In our opinion, the applicant has not made out a prima facie case for admission of this application.

5

8. The legal position is that a deputationist has no vested right to hold the deputation post. It is for the Central Government to decide whether or not special circumstances exist to extend the period of deputation of the applicant beyond the normal period of 4 years. The period of deputation can be terminated at any point of time (vide R.N. Misra Vs. Delhi Administration & Others, 1985(1) SLR 753; Shambu Nath Lal Srivastava Vs. State of U.P., 1984(2) SLJ 34).

9. In view of the legal position mentioned above, we do not see any merit in the present application and the same is dismissed in limine. The parties will bear their respective costs.


(D.K. CHAKRAVORTY)
MEMBER (A)
4/5/90


4/5/90
(P.K. KARTHA)
VICE CHAIRMAN (J)