

~~Two Cases~~
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

(15)

O.A. No. 2681/91
T.A. No.

199

DATE OF DECISION 26-4-1993

Shri Jaswant Singh	Petitioner
Shri MK Sharma	Advocate for the Petitioner(s)
Versus	
U.O.I & OTS.	Respondent
Ms Jasvinder Kaur	Advocate for the Respondent(s)

CORAM **Shri N.V.Krishnan, Hon'ble Vice Chairman (A).**

The Hon'ble Mr. **Shri C.J.Roy, Hon'ble Member (Judicial)**

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

JUDGEMENT
 delivered by Shri N.V.Krishnan,
 Vice-Chairman (A).

On 2-4-93 when none was present for the respondents, we noted the contents of this application and observed that it should be possible to dispose of this case after seeing the reply of the respondents. The respondents were given a last chance to file a reply. No representative of respondents 1 to 4 is before us today.

2. Ms Jasvinder Kaur proxy for Shri Jog Singh states the reply of respondents will be filed shortly. The learned counsel for the applicant points out that on 11-2-93 it was recorded that this case has been withdrawn from the counsel by the respondent and accordingly the counsel would not argue any further. In view of the submission made today by her, we take it that she represents the respondents.

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3. We have heard the learned counsel and perused the application.

4. This application is to be considered only with reference to para (b) of para 8 as ordered on 15-11-91 which is for a direction to the respondent No.2 (Director General Civil Aviation-DGCA) to call the applicant back to his parent department, as the applicant has not given his consent for absorption with respondent No.3- Chairman, National Airport Authority. It is stated that the applicant is a permanent employee as fire operator with the second respondent.

5. On 7-12-1985, the National Airport Authority (NAA for short) was established by law. On 30-5-86 the applicant was placed on deputation with the NAA by the annexure-A order. On 15-9-89, acting under section 13(3) of the NAA, ^{Ad} 1985, the NAA gave a notice to the applicant proposing to absorb him in the NAA w.e.f. 2-10-89. The applicant was asked (Annexure-C) to give his option before 29-9-89 whether he would like to be absorbed. The applicant states that he declined to be absorbed in the service of the NAA.

6. He alleges that he is now surplus with respondent No.3 (NAA) as would be evident from the annexure 'D' order dated 11-7-91. That order states that certain officers have opted out of the NAA but have not been repatriated to their parent organisations. Therefore, it is directed that they would be entitled to only pay and allowances and not to the perks admissible to the regular employees of the NAA. The applicant represented on 24-7-91 to the DGCA (An.E) to which there is no reply. In an additional affidavit

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filed on 8-2-93, the applicant has also cited instances
of others who have been called back ^{from} ~~on~~ deputation.

7. It is in these circumstances that a prayer has been made in sub para (b) of para 8 as stated in para 4 supra.

8. The respondents have not filed any reply.

9. In the circumstances, we find that the second respondent has no justification, whatsoever, in not calling back the applicant from deputation. We, therefore, allow this application to the extent of issuing a direction to the second respondent that he shall call back the applicant from the NAA from deputation within a period of two months from the date of receipt of this order.

10. The application is allowed with this direction.

W.S.M
(C.J.ROY)
Member (Judicial).

Chu
(N.V.KRISHNAN)
Vice Chairman (A)