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Central Administrative Tribunal, Principal Bench

Original Application No. 963 of 2004

New Delhi, this the 19th day of April, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. R.K. Upadhyaya, Member (A)

Jothimon Dethan
S/o Shri N. Dharma Dethan,
R/o 34, Kaveri Apartments,
Sector-4, Vaishali,
Ghaziabad (U.P.)

....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Union of India,
Through the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi
2. Director General,
Narcotics Control Bureau,
West Block No.1, Wing No.5
R.K. Puram, New Delhi
3. Zonal Director,
Narcotics Control Bureau,
Delhi Zonal Unit, Wing No.7
IIInd Floor, West Block No.1,
R.K. Puram, New Delhi
4. Secretary,
Department of Personnel and Training,
Central Secretariat,
New Delhi

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant by virtue of the present application seeks quashing of the order of 27.2.2004 and to direct the respondents to consider and extend the period of deputation for the sixth year in the special circumstances. He also seeks that respondent no. 2 should be directed to forward the representation of the applicant to the concerned Ministry for extension of deputation for sixth year.

V.S. Aggarwal

2. It is not in dispute that the applicant was on deputation and had completed five years of the deputation period on 9.2.2004.

3. Our attention has been drawn towards the decision of this Tribunal whereby pertaining to inter-Commissionerate transfer, an order has been passed to consider the representation. Since the said order does not reflect pertaining to the present relief claimed, we are proceeding to decide the present petition.

4. Learned counsel for the applicant contended that the parent department of the applicant had no objection in continuing on deputation for the sixth year. However, respondent no.2 did not forward that representation because of a complaint stated to have been received against the applicant.

5. Whenever a person is on deputation and the tenure of the period of deputation has come to an end, he has no right to continue as such. Resultantly if after the fifth year deputation having been completed, an order has been passed repatriating him to his parent cadre dated 27.2.2004, we find nothing illegal in this regard.

6. Learned counsel for the applicant did draw our attention to the alleged falseness of the letter stating that he had applied for leave on 1.4.2004 which could not have been sanctioned on 27.2.2004 and co-related facts. We do not deem it necessary to dwell into this controversy for

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the simple reason as already pointed and re-mentioned at the risk of repetition that after the completion of five year period of deputation, the applicant had lost his right to continue as such. Once the order as such has been passed, there is precious little for this Tribunal to interfere.

7. For these reasons, the O.A. must fail and is dismissed. However, we make it clear that nothing said herein shall run contrary to the order that has been passed by the Single Bench of the Tribunal.

R. K. Upadhyaya
(R. K. Upadhyaya)
Member (A)

V. S. Aggarwal
(V. S. Aggarwal)
Chairman

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