

(A)

In the Central Administrative Tribunal
Principal Bench: New Delhi

Regn. No.OA 1767/1992

Date of decision: 13.04.1993

Shri Kul Bhushan Rai

...Applicant

Versus

Chief Secretary, Delhi Administration
and Others

..Respondents

For the Applicant

..Shri A.K. Behera, Counsel

For the Respondents

..Shri Ravinder Dayal, Counsel

CORAM:-

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN
THE HON'BLE MR. I.K. RASGOTRA, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGEMENT(ORAL)

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The petitioner was initially appointed as Upper Division Clerk in the Delhi Administration. He came on deputation in the Administrative Reforms Department about 15 years back on 15.07.1977. He is at present holding the post of Assistant Director (A.R.). He came to this Tribunal with the prayer that the respondents may be directed to regularise his services.

2. A reply has been filed on behalf of the respondents. The learned counsel for the parties have been heard.

3. The preliminary question to be determined is whether the petitioner can be repatriated now to his parent department. The learned counsel for the respondents has very fairly brought to our notice a photostat copy of OM No.2/12/87-Est. dated 29.04.1988.

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Pragraph 8.1 of the OM states that the period of deputation shall be subject to a maximum of three years in all cases except for those posts where a longer period of tenure is prescribed in the Recruitment Rules. In paragraph 8.2 it is provided that the Administrative Ministries may grant extension beyond this limit upto one year, after obtaining orders of their Secretary, in cases where such extension is considered necessary in public interest*.

No rule has been brought to our notice prescribing the longer period of service. It, therefore, follows that the maximum period during which the petitioner can be kept on deputation was 3 years. They have also not indicated whether the petitioner was on deputation for over 15 years or more. We, therefore, come to the conclusion now that the respondents cannot repatriate the petitioner to his parent department.

4. We now come to the principal relief claimed in this application. It has been brought to our notice that for securing regularisation of his (petitioner) services, the petitioner will have to ~~go~~ through ^{go} selection to be held by the Commission. We direct the respondents to consider the case of the petitioner for regularisation on merits and in accordance with law as expeditiously as possible.

5. With these observations this application is disposed of finally. There shall be no order as to costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)
13.04.1993

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
13.04.1993

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