

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH; NEW DELHI

19

O.A.1895/92

Date of decision:13.4.93

Ajay Taylor .. Applicant.

Versus

Union of India

& others .. Respondents.

Sh.R.L.Sethi .. Counsel for the applicant.

Sh.Gajraj Singh .. Counsel for the respondents.

Coram:

The Hon'ble Sh.N.V.Krishnan, Vice Chairman(A)

The Hon'ble Sh.B.S.Hegde, Member(J)

1. Whether Reporters of the local papers may be allowed to see the judgement? ✓
2. To be referred to the Reporter or not? >

J U D G E M E N T (ORAL)

(Hon'ble Sh.N.V.Krishnan, Vice Chairman(A))

The applicant is an employee of C.R.P.F. and he was taken on deputation to the Delhi Police. He is

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aggrrieved by the annexure A-1 order dated 19.6.92 by which the applicant has now been repatriated to the C.R.P.F. He prays that this order be quashed and a direction be issued to the respondents to permanently absorb the applicant in Delhi police, as has been done in the case of his juniors. An interim order was issued on 23.7.92 that respondents shall maintain the status quo of the applicant as on that day and this interim order has been continued from time to time.

2. The respondents have filed a reply stating as follows:

The applicant was taken on deputation from the C.R.P.F. on 30.6.88 for one year which has been continued from time to time. The C.R.P.F. stressed that no further extension in deputation will be given. The applicant was considered for absorption in the Delhi Police but was not found suitable as he has been given a censure by the D.C.P./VIII Batallion for misuse of government vehicle. The appeal has also been rejected. Hence, the impugned order dated 19.6.92 repatriating him was passed. His representation was rejected by the Commissioner of Police. He went on leave and was due to join on 16.7.92 but failed to turn up. He has, therefore, been relieved on the same day.

3. When the case came up for final hearing, we wanted the learned counsel for the applicant to explain how he has right to continue to remain on deputation. The

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learned counsel submitted that he is aggrieved because juniors have been absorbed and his repatriation is on account of censure awarded to him while he was in Delhi Police in respect of which he has filed another O.A.2002/92.

4. We have heard the learned counsel. A perusal of the Annexure A-1 order shows that a number of Sub-Inspectors belonging to the C.R.P.F. have been repatriated by this order. It is not as if the applicant has been singled out. Secondly, the applicant and others appear to have been taken on deputation sometime in April 1988 and therefore, it is not as if his deputation has been terminated abruptly. Thirdly, we are of the view that remaining on deputation with the Delhi Police is not a fundamental right. Therefore, the question of discrimination does not arise in that context.

5. Admittedly, the applicant was given a penalty of censure. That is a good enough ground to distinguish his case from the case of those who have been absorbed and is a good enough ground to order his repatriation.

6. The learned counsel for the applicant prayed that the impugned order be kept in abeyance till O.A.2002/92 is decided. We see no merit in this prayer. For, it is not that only C.R.P.F. personnel on deputation can be absorbed in the Delhi Police. Rule 17 of the Delhi Police

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(General conditions of service) Rules, 1980 reproduced in para 4.4. of the application shows that deputation is not a precondition for absorption. Therefore, even after repatriation, the applicant can be absorbed subject to the provision of the aforesaid rules.

7. We, therefore, find no merit in this application which is dismissed. The O.A. 2002/92, with which this was linked will be heard separately in due course.

(B.S.Hegde)

Member (J)

13/4/82

(N.V.Krishnan)

Vice Chairman(A)

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