

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

18

Date of decision

17/8/93

R.A.NO. 225/93

in

O.A.NO. 2978/92

HIRA LAL UPADHYAY

v/s

UNION OF INDIA & OTHERS

We have gone through the Review Application filed by the petitioner vide dated 23rd July, 1993 and perused the various contentions and issues raised by the petitioner with reference to the judgement dated 9.7.93 in O.A. No. 2978/92.

2. The various objections are being dealt with as under:-

(1) In so far as ground 'A' is concerned, the petitioner contends that there is an error apparent on the face of the records with reference to para 9 of the judgement. It is true that at the relevant time, the petitioner was working in the Ministry of Finance on deputation basis. When the

respondent No. 1 "sought the option for consideration for the post of Technical Assistant from amongst the persons who were working on deputation, they made it clear (vide Annexure 5) dated 8.5.1990 that their options should be forwarded through proper channel." The petitioner concedes that he did not send his option through proper channel but contends that since he was already working on deputation with the Ministry of Finance, it was for them to state specifically that such of those candidates working on deputation, their options should also be routed through their parent departments. Such a contention is not tenable. The terminology "proper channel" means that the applicant should send his application through his parent department to the department which require their services. Although the petitioner was working on deputation, the petitioner was duty bound to seek the permission of his parent department for permanent absorption. Therefore, it was necessary that he should have sent his application

through his parent department and it is for the parent department to decide whether to sponsor the services of the petitioner for permanent absorption or not. Since it was not done, such a plea cannot be raised at this stage.

(2) Regarding ground 'B', it is an undisputed fact that the petitioner had joined the Ministry of Finance on deputation in 1988 and in the judgement, on the basis of facts furnished, stated that while asking for options of employees who were on deputation, the applications of deputationists of 1987 batch were only entertained. Therefore, it is not open to the petitioner to contend that his application should also be considered along with the deputationists of 1987. In so far as the petitioner is concerned, firstly, his parent department has not given their concurrence for absorption, secondly he cannot contend that he has been discriminated because the deputationists of 1987 batch and 1988 batch cannot be treated

as one and the same. If at all, after
the absorption of 1987 batch any further
vacancies are available it is for the
borrowing department to take / absorb
people for being taken on deputation,
and he cannot compare himself with those
who were on deputation prior to 1988. As
a matter of fact, the persons who are
on deputation in 1987 batch their parent
department also did not objected to their
absorption in the borrowing department.
Assuming for the sake of arguments that
the petitioner has not been relieved by
the borrowing department, in law, he cannot
indefinitely stay back if the parent
department ask for his repatriation. It
is on the record that the parent department
did seek for repatriation, therefore, it is
immaterial that he is still working on depu-
tation post that by itself does not give him
any right to be absorbed in the borrowing
department. Further, whether the borrowing
department still did not fill up the vacant
posts, it is their administrative domain, neither

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the petitioner nor his parent department has any control over them. Other pleas are irrelevant to the main issues and are not relevant for our purpose.

2. Petitioner is well aware that the Revision Application under Order 47 Rule (1) of the Code of Civil Procedure could be entertained on a limited ground only.

3. In the light of the above, we find that there is no error apparent on the face of the record/judgement and accordingly we dismiss the Review Application with no order as to costs.

[Signature]
(B.S. HEGDE) 17/6/93
MEMBER (J)

[Signature]
(B.N. DHOUNDIYAL) 17/6/93
MEMBER (A)