

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.513/92

DATE OF DECISION 12-5-93

Sh.Jan Mohd.Khan ... Applicant

V/s

U.O.I. ... Respondents

CORAM

Hon'ble Member Sh.B.N.Dhoundiyal, Member(A)

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

FOR THE APPLICANT .. Sh. Ashish Kalia, counsel

FOR THE RESPONDENTS .. Sh.B.R.Prashar, counsel

JUDGEMENT (ORAL)

/By Sh. B.N.Dhoundiyal, Hon'ble Member(A)/

This O.A. has been filed by Sh.Jan Mohd.Khan against the impugned order dated 1-4-1991 denying him absorption in Delhi Police and repatriating him to his parent department i.e. C.R.P.F. The applicant came on transfer/deputation on 21-6-1988 from 51 Bn.C.R.P.F. His deputation period was extended, on year to year basis, upto 4-7-91. However, on 1-4-91, the petitioner was ordered to be repatriated to his parent unit i.e. C.R.P.F. The impugned order has been challenged on the ground that it is arbitrary and discriminatory as similar colleagues of the applicant have been absorbed in Delhi Police.


2. The respondents have stated that the applicant was not recommended for extension of deputation period in Delhi Police due to the fact<sup>bn</sup> that he remained under suspension for misbehaviour and he was also facing a

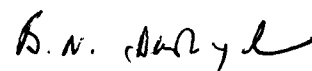
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department enquiry for unauthorised absence, <sup>and was</sup> awarded major penalty vide order dated 31-12-90. Under these circumstances, he was not considered for further retention in Delhi Police and repatriated to his parent department on the administrative ground.

3. We have gone through the records and heard the learned counsel for the parties. <sup>Respondent's counsel</sup> has also drawn our attention to similar case decided by Principal Bench of this Tribunal in O.A. No.321/92 Sh. Satpal V/s U.O.I. on 7-8-92. It was held that a deputationist can not claim, as a matter of right, to get absorbed in the department where he is sent on deputation, and it is the right of the parent department, to call him back, as and when his services are required. It was also held that unless the court is sure that the impugned order is really based upon allegations of bias or mala-fides, it should not proceed to quash the administrative orders which are made in the exigencies of administrative work.

4. The applicant has not been able to prove any allegation of bias or mala-fide against the respondents who were competent to order his repatriation. The respondents are however, directed to consider regularisation of the period of absence on the basis of granting leave under the rules. No costs.

  
( B.S. HEGDE )  
MEMBER(J)

  
( B.N. DHOUNDIYAL )  
MEMBER(A)