

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.



OA No.937/92

Date of decision:23.04.93

Shri Surinder Kumar ...

Applicant

versus

Delhi Administration & anr... Respondents

CORAM: THE HON'BLE SHRI J.P.SHARMA, MEMBER(J)
THE HON'BLE SHRI S.R.ADIGE, MEMBER(A)

For the Applicant ... Sh.J.P.Verghese,Counsel.

For the Respondents .. Sh.O.N.Trishal,Counsel.

JUDGEMENT

(BY HON'BLE SHRI J.P.SHARMA, MEMBER(J)

The applicant came on deputation from the CRPF 14.4.1988. to Delhi Police by order dated / His deputation was extended from time to time till 13.4.91. Though orders for his repatriation were passed on 30.7.90 because of the representation it was extended as stated above. By the impugned order dated 13.5.91 applicant along with others was repatriated to his parent department with immediate effect. The applicant has assailed this order in this OA and has prayed for quashing of the order dated 13.5.91 with a direction to the respondents to absorb him in Delhi Police.

2. The respondents contested this application and in their reply stated that the applicant has filed this application on 1.4.92 while he has already been relieved on 13.5.91. The respondents have further stated that no understanding or undertaking was given to the applicant for his absorption in Delhi Police. The deputation period was,however, extended on year to year basis with the prior concurrence of the parent department. The applicant was considered on completion of three years for permanent absorption in Delhi Police but he was found below standard in education i.e. under Matric. So he was not considered for absorption

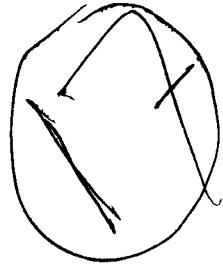


in Delhi Police. The applicant has, therefore, no case and the application is liable to be dismissed.

3. In the rejoinder filed by the applicant he has stated that with the permission of the respondents, he took the Matric examination in the year 1990 but in that examination he could not clear all the papers and there was a compartment in two papers for which the applicant had taken the examination in January, 1991. It is further stated that he has cleared those papers and passed Matric examination for which the result was declared on 25.5.91. He has also reiterated the averments made in the OA.

3. We have heard the learned counsel for both the parties at length. In the Delhi Police it was decided that services of officers and men would be made available to Delhi Police from Para Military Forces of the Central Government on short term deputation to man the Police Stations etc. Government of India have sanctioned a number of posts of Head Constables and Constables in addition to other ranks. In view of this, the Delhi Police approached various Heads of the Departments of the Central Police Organisations and called the willing officers/men on short term deputation to Delhi Police. The applicant was also taken on deputation from the CRPF with effect from 14.4.88. It was only for one year. Thus the applicant was taken on deputation only for a fixed term and his term was extended. He was ordered to be repatriated to his parent department on 30.7.90 but the applicant made a request regarding illness of his father and so his deputation was extended upto 13.4.91. The applicant, therefore, should not have any grudge on this count. The Hon'ble Supreme Court has considered a matter of/ deputationist seeking permanent absorption and it has been held in **Rati Lal Soni & ors. vs.**

State of Gujarat & Ors. (AIR 1990 SC 1132) that it is not a matter of right for a deputationist to seek permanent absorption and after completing the period of deputation if he is repatriated then there is no violation of any condition of service or Articles 14 & 16 of the Constitution. The action of the respondents to repatriate the applicant, therefore, is fully justified. The learned counsel for the applicant also argued that other similarly situated persons have already been absorbed in Delhi Police and the applicant has been discriminated. A person can only be absorbed when he fulfills the eligibility condition and when there are stated to be rules prescribed then one who is seeking absorption should satisfy the conditions laid down in the statutory rules. Under Rule 9 of the Delhi Police (Appointment & Recruitment) Rules, 1980 the minimum qualification prescribed for eligibility is Matric. The applicant on his own showing when he came on deputation to Delhi Police did not have the prescribed qualification of Matric. In fact when the applicant was earlier ordered to be repatriated on 30.7.90 he was also not Matric though he took the examination of Central Board of Secondary Education in 1990 but he got compartment in two papers. The applicant himself did not disclose this fact and his short extension of retention of deputation was allowed to him till 13.4.91. The applicant appeared again in 1991 examination of National Open School Delhi but the result of the examination was declared after the order of repatriation dated 13.5.91 was passed. The marks-sheet filed with the rejoinder as an annexure goes to show that it was on 25.5.91 that the applicant was declared passed in Secondary School examination. Thus the applicant was not eligible as per Rule 9 of the Delhi Police (Appointment & Recruitment) Rules, 1980 and others who were absorbed did possess the



qualification.

4. The averment in the rejoinder that the applicant has orally informed the respondents of his having passed the Matric examination is not substantiated.

4. In view of the above discussion, we find no merit in the applicant and the same is dismissed with no order as to costs.

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(S.R. ADIGE)

MEMBER(A)

SNS

J.P.Sharma

(J.P.SHARMA)
MEMBER(J)

23.4.93