

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. NO. 1449/93.

Date of decision: 19.7.1993.

Smt. Shyam Lata

... Petitioner.

Versus

The Administrator,
National Capital Territory
of Delhi & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the petitioner.

Shri Ratan Pal, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner, Smt. Shyam Lata, is a teacher in the Rajasthan Education Service. Her case is that her husband is an employee in the Delhi Administration and is suffering from neurotic depression. She, therefore, made a request to the Delhi Administration to take her on deputation in one of the schools under the Delhi Administration. The request was granted in the first instance for deputation of one year which was again extended for the second year and finally for the third year on humanitarian consideration. While granting deputation period for the third year, it was made clear that it is the last/deputation that is granted. The said deputation period expires today. The petitioner appears to have moved the authorities for regular absorption in the school under the Delhi Administration. That request of hers was

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considered and the same was rejected by order dated 27.11.1992. The petitioner then made a grievance that the reason for rejection of her request has not been given and that, therefore, the same should be furnished. The Administration was willing to oblige her and, therefore, given a memo on 4.1.1993 saying that her case has been rejected by the competent authority because her case does not come under the purview of the recruitment rules. She appears to have made further representation persisting in her efforts for absorption. Not having received any success in her endeavours in this behalf, she has approached the Tribunal on the last date when her deputation period expires, i.e. today.

2. Shri Ratan Pal, Counsel for the petitioner, contended with considerable warmth that it is unfortunate that the case of the petitioner for absorption on humanitarian ground is not being considered and that too on untenable ground. He urged that the petitioner holds a degree of B.A. B.Ed. which qualification is much higher than the prescribed/for the teachers under the Delhi Administration. He submitted that her request for absorption is not granted because she is more qualified than required. It is not possible to accept this contention as there is no such communication to the petitioner that she will not be absorbed in service because she is more qualified.

The petitioner has produced as Annexure A-23, a representation made by her to the Lt. Governor wherein she has extracted the observations of the Lt. Governor that 'as she has higher qualificaton than the requirement, we can certainly consider her for the post. Let me have your comments, Sd/- L.G. 6.10.1989'. Apart from this, we must bear in mind that the petitioner has no legal right for absorption in the Delhi Administration even assuming that she has all the qualifications required under the rules or higher qualifications. It is also necessary to bear in mind that it is on humanitarian consideration that she was taken on deputation making it clear that after expiry of period her term she would not be given any extention. The petitioner has not approached the Tribunal for enforcing any of her conditions of service. The petitioner is not employee of the Delhi Administration. She is only on deputation. She has no legal right under the prescribed rules under which she can claim as a matter of right absorption in the service of the Delhi Administration. What she is really asking is for mercy on humanitarian ground. These are not matters which fall for consideration by the Tribunal. We, therefore, see no good ground to interfere. This application is rejected. No costs.

Anil
(S.R. ADIGE)
MEMBER (A)

Malimath
(V.S. MALIMATH)
CHAIRMAN