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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.622 of 1997

Tuesday, this the 25th day of November, 2003

Hon'ble Mr. Justice S.R. Singh, V.C.  
Hon'ble Mr. D. R. Tiwari, A.M.

Dhani Lal,  
aged about 50 years,  
Son of Late Sri Sri Ram,  
resident of 31/C/3, Kydganj,  
Krishna Nagar, Allahabad,  
employed as Senior Accountant,  
Office of the A.G.U.P. (A&E) II,  
Allahabad, presently on deputation  
as Divisional Accountant, Office of  
the Executive Engineer, Tubewell  
Division II, Sultanpur.

.....Applicant.

(By Advocate : Shri O.P.Khare)

Versus

1. The Comptroller & Auditor General of India,  
Bahadur Shah Zafar Marg, New Delhi.
2. The Accountant General, U.P. (A&E)II,  
Office of the A.G. (A&E)II, U.P., Allahabad.
3. The Executive Engineer,  
Tubewell Division II,  
Sultanpur.
4. Sri Suresh Kumar,  
Senior Accountant,  
C/o Office of the A.G. (A&E)II,  
U.P., Allahabad. ....Respondents.

(By Advocate : Km. S. Srivastava)

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C. :

The O.A. has been instituted for the  
following reliefs;

"(i) The Hon'ble Tribunal be graciously pleased  
to quash the order of repatriation dated  
24.4.97 and the posting order dated 5.6.97  
to replace the applicant by respondent no.4  
without consideration of representation  
dated 10.3.97 to respondent no.3 and  
decision in appeal dated 30.4.97 before  
respondent no.1.

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(ii) The Hon'ble Tribunal be graciously pleased to direct the respondent no.1 and 2 to repatriate the applicant only when the prospect for promotional avenues are available in two years in the parent department and till then the deputation period be extended by relaxing the rules.

(iii) The Hon'ble Tribunal be graciously pleased to allow any other relief in the facts and circumstances of the case including costs of filing this original application before the Tribunal.

(iv) The Hon'ble Tribunal be graciously pleased to direct the respondent no.1 to decide as per law the appeal dated 30.04.97 against illegal order to repatriate and to consider extention of deputation period as per provisions of 1988 Rules. The respondent no.2 has posted respondent no.4 illegally against the order of respondent no.1 vide letter dt.01.10.1991 to defeat the claim of the applicant.

(v) That this Hon'ble Tribunal be graciously pleased to direct the respondent no.1 and 2 to reconsider the case of posting the applicant on deputation because of lack of scope of further advancement in the parent department and Shri Sureah Kumar has been repatriated and the post of Divisional Accountant has fallen vacant in Tube Well Division-II, Sultanpur and also consider to allow him to appear in Divisional Test for further advancement.

(vi) That this Hon'ble Tribunal be graciously pleased to direct the respondent no.1 to take correct decision in the appeal filed by the applicant because the same has not been decided by respondent no.1 in accordance with law as per direction tof the Hon'ble High Court with independent application of mind."

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2. Concededly, the applicant has preferred an appeal against the order of repatriation and one of the reliefs claimed herein is that the respondent no.1 be directed to decide the appeal dated 30.04.97 as per law, and to consider the applicant's request for extension of deputation period. It goes without saying that in case the appeal is allowed and the deputation period is extended by the appellate authority, the grievance of the applicant sought to be redressed herein, will stand vindicated. Accordingly, we are of the view that it will meet the ends of justice if the original application is disposed of with the direction to the Comptroller and Auditor General of India-respondent no.1 to consider the appeal dated 30.04.1997 and dispose of it by a reasoned and speaking order within a period of 3 months from the date of produce of certified copy of this order alongwith a copy of the memo of appeal. In case it is found that the appeal is not maintainable, the memo may be treated as representation. The O.A. stands disposed of accordingly. No order as to costs.

*Dhan*  
Member (A)

*QH*  
Vice Chairman

[M.M.]