



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A No.235/2021
M.A No. 883/2021

This the 30th Day of March, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

Keshav Ram
Aged about 57 years,
S/o. Sh. Bhuti
R/o. H. No. 2/334, Sector "O",
Mansarover, LDA, Lucknow
Post : SSE/QA/S&T/TRDSO/NDLS
Group : C

...Applicant

(By Advocate : Sh. Anuj Aggarwal)

Versus

1. East Central Railway,
Through its General Manager,
Office of the General Manager,
East Central Railway,
Hajipur, Vaishali, Bihar-844 101
2. Research Designs and Standards Organisation (RDSO)
Through its Director General /RDSO
Govt. of India,
Ministry of Railways,
Manak Nagar, Lucknow – 226 011.
3. Divisional Railway Manager (DRM)
DRM Office
East Central Railway



Deen Dayal Upadhyay
(Mughalsarai), District-Chandauli,
Uttar Pradesh- 232 101.

...Respondents

(By Advocate : Sh. Shailendra Tiwary)

O R D E R (ORAL)

The applicant was appointed as Section Engineer (Signals) in the Eastern Railway in the year 2001. The Research Designs and Standards Organization (RDSO), an establishment of Railways, issued an advertisement in the year 2013 for taking certain employees, on deputation. The applicant responded to the same and was taken on deputation with the consent of the Eastern Railways in the year 2013. The deputation was for a period of four years. On expiry of the same, the applicant is said to have made representation for his permanent absorption. It is also stated that the Eastern Railway has also issued its no objection. The RDSO, the 2nd respondent, passed an order dated 10.11.2020 repatriating the applicant to his parent organization, i.e. the 1st respondent. This OA is filed challenging the order dated 10.11.2020.

2. The applicant contends that though he came on deputation the 2nd respondent, he made an attempt to get



permanently absorbed and the 1st respondent also accorded its no objection for it. He further contends that several employees who were still on deputation are being continued with the 2nd respondent beyond the stipulated period and he was accorded a discriminatory treatment.

3. Today, we heard Shri Anuj Aggarwal, learned counsel for the applicant and Shri Shailendra Tiwary, learned counsel for the respondents.

4. It is not in dispute that the applicant is the employee of the 1st respondent and he came on deputation to the 2nd respondent in the year 2013. It is not uncommon that the employees who come on deputation to certain organizations seek absorption therein. That, however, can materialize only when (a) the borrowing department (b) the lending department and (c) the employee agree for such a step.

5. In the instant case, the applicant as well as the 1st respondent are otherwise willing for his absorption in the 2nd respondent. What, however, is material is the consent of the 2nd respondent. They have to take note of their requirement in the department as well as their experience



with the employee during the period of deputation. Though the deputation of the applicant expired in the year 2017 itself, he was continued till the year 2020, and ultimately the impugned order was passed.

6. Once the applicant was not absorbed in the 2nd respondent, the latter has every right to repatriate him. The mere fact that some employees are being continued beyond the term of deputation cannot be a ground to interfere with the impugned order. As a matter of fact, the applicant himself had the benefit of such continuance almost for three years. It cannot be a permanent arrangement.

7. Learned counsel for the applicant submits that due to Covid Pandemic, the Railways have deferred the transfers. Basically, this is not a transfer and is just repatriation to the parent department. Secondly, the restrictions have since been relaxed. However, we grant the applicant four weeks time to join the office of 1st respondent.



8. The OA is accordingly dismissed, granting four weeks time to the applicant to join the office of 1st respondent.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/rk/mbt/ns