

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 952/2021

This the 12th day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)**

Yagya Datt Viduwa
S/o Shri Bipin Bihari Viduwa
Presently R/o E-441, Kamla Nagar
Agra, UP-282004
Working as DGM (T/P), NHIDCL (Prev.)
(Under Repatriation)
Office of NHIDCL
PTI Building, 4 Parliament Street
Sansad Marg Area
New Delhi-110001.

... Applicant

(By Advocate: Mr. Sanjay Chhabra)

Versus

1. Union of India through Secretary
Ministry of Road Transport & Highways
Bhawan, 1, Sansad Marg
New Delhi-110001.
2. National Highways & Infrastructure
Development Corporation Limited
Through Managing Director
PTI Building, 4 Parliament Street
Sansad Marg, New Delhi-110001.

... Respondents

(By Advocates: Mr. S.B. Upadhyay with Ms. Anisha Upadhyay and
Mr. Satish Kumar)





ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant is Executive Engineer in the Public Works Department(PWD) of the Government of Rajasthan. He was appointed as Deputy General Manager in the office of the 2nd respondent herein with effect from 03.12.2019. It is stated that he has overseen the projects of the 2nd respondent in Nepal and other places. Through order dated 08.04.2021, the second respondent repatriated the applicant to his parent department. The same is challenged in this OA.

2. The applicant contends that he was not put on notice before the order of repatriation was passed. He states that his work in the second respondent department was appreciated by one and all and that the impugned order was passed with an ulterior motive. Reference is made to certain official memoranda issued by the DoP&T.

3. Today, we heard Mr. Sanjay Chhabra, learned counsel for the applicant and Mr. S.B. Upadhyay and Mr. Satish Kumar, learned counsel for the respondents.

4. The applicant was appointed as Deputy General Manager in the second respondent organization on deputation basis, vide order



dated 03.12.2019. The period of deputation was stipulated as three years. In the ordinary course, he is entitled to remain on deputation till 03.12.2020. However, almost on completion of two years, he was repatriated before the expiry of the term of deputation through the impugned order dated 08.04.2021.

5. It is true that there is a legitimate expectation for the applicant to remain in the service of the second respondent at least for a period of three years. However, by its very nature, deputation is liable to be terminated even before the completion of the term at the instance of either of three stakeholders, namely, the employee concerned, the borrowing department and the lending department. The continuation on deputation of any employee would depend upon the satisfaction of the borrowing department. If they are not satisfied with the work of the employee on deputation, for whatever reason, the law permits them to repatriate him. No prejudice would be caused to an employee on account of the premature repatriation.

6. Reliance is placed upon the judgment of Hon'ble Supreme Court in Civil Appeal No.6332/2005 in ***UOI v V.V. Ramakrishnan*** (2005) 8 SCC 394 and the Order passed by this Tribunal in OA No.4500/2014 (***Rajeev Ranjan v.UOI***). The observations made by the Hon'ble Supreme Court in the judgment are in the cases where no stipulation exists for premature repatriation. In the instant case, such



a clause does exist. Similarly, the order passed by this Tribunal in OA.No.4500/2014, does not apply to the facts of this case.

7. The OMs issued in this behalf provide for issuance of one month's notice or salary in lieu of one month to an employee, who is repatriated before expiry of the term of deputation. Since that condition is not fulfilled, necessary relief needs to be granted in that behalf.

8. We, therefore, dispose of this OA declining to interfere with the impugned order, but directing that the respondents shall be under obligation to pay one month's salary to the applicant within one week from the date of receipt of a copy of this order.

9. Though an issue of jurisdiction is raised, we do not deal with same in detail, having regard to the nature of disposal given in the OA. We also direct that the premature repatriation of the applicant shall not be treated as a reflection upon his career, for any reason whatsoever. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/vb/ns/dsn