



Central Administrative Tribunal

Principal Bench, New Delhi

OA No.1622/2020

Today this the 6thday of May, 2021

Through video conferencing

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

ShriVedpal Singh
Now working as Assistant Director
Coconut Development Board
Market Development Cum Information Centre
120, II Floor, Hargovind Enclave, Road No.72
Karkardooma, New Delhi-110 092.

....Applicant
(By Advocate: Mr. AmitAnand)

Vs.

1. Union of India through Secretary
Ministry of Agriculture
KrishiBhawan, New Delhi.
2. National Horticulture Board
Rep. by its Managing Director
Ministry of Agriculture & Farmers Welfare
Government of India
Plot No.85, Sector-18, Institutional Area
Gurgaon-122015(Haryana).
3. Coconut Development Board
Through Chairman
KeraBhavan, SRV Road, Kochi-682 011.

...Respondents

(By Advocates: Mr. HanuBhaskar, counsel for respondent No.1, Mr.Sanjeev Singh with Ms. SampannaPani and Mr. Shreehari N.S. for Mr. P. Vijay Kumar, counsel for respondent No.3)

Order (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant was working as Senior Horticulture Officer in the National Horticulture Board, the 2nd respondent herein, which comes under the Ministry of Agriculture, the first respondent. The 3rd respondent i.e. the Coconut Development Board, which is another organisation under the Ministry of Agriculture, advertised the post of Assistant Director. The applicant responded to the same, and ultimately, he was selected and was issued an order of appointment on 07.04.2017. He joined the post on 15.05.2017. As required under law, he submitted his technical resignation to the 2nd respondent, with a request to maintain his lien in the post. The 2nd respondent has also maintained lien, for a period of two years.

2. The appointment of the applicant in the 3rd respondent Corporation, was challenged before the Ernakulam Bench of the Central Administrative Tribunal, in OA No.943/2017. The OA was allowed through an order dated 26.03.2019. The applicant filed Writ Petition No.121/2019 along with CMP No.63077/2019 before the Hon'ble Kerala High Court and an interim order was



passed, staying the operation of the Order passed in the OA No.943/2017. In view of this development, the applicant filed a representation with a request to extend his lien. In reply to that, the 2nd respondent passed an order dated 13.05.2020, stating that the lien was already extended upto three years and there is no provision for extending it beyond that period. It was left open to him to join the 2nd respondent. This OA is filed challenging the order dated 13.05.2020.

3. The applicant contends that though he was selected and appointed as Assistant Secretary in the 3rd respondent Organisation, there is an amount of uncertainty in view of the order passed in the OA, and obviously for that reason, he wanted the lien to be extended in 2nd respondent Organisation. He submits that when the deputation can be for a period of five years or even more, there is absolutely no basis to restrict the lien only to three years. Other contentions are also urged.

4. The 2nd respondent filed a detailed counter affidavit. According to him, the applicant was extended the benefit of lien, to the extent it is permissible in law, and he cannot claim any benefit beyond that. It is also



stated that the functioning of the organisation cannot be permitted to be hampered on account of the lien being continued indefinitely.

5. We heard Shri Amit Anand, learned counsel for the applicant and Mr. Hanu Bhaskar, learned counsel for respondent No.1 and Mr. Sanjeev Singh with Ms. Sampanna Pani, learned counsel for the respondent No.2, and Mr. Shreehari N.S. for Mr. P. Vijay Kumar, counsel for respondent No.3.

6. The issue in this OA is very limited. The applicant, who was a permanent employee of the 2nd respondent, was selected and appointed as Assistant Director in the 3rd respondent organisation. It is common that whenever an employee of the Central Govt. or its Organisations is appointed in another Organisation, lien is maintained for a limited period, so that if, for any reason, the employee does not feel comfortable in the Organisation in which he joins, can come back and resume his position in the parent organisation. However, this arrangement is for a maximum period of three years.

7. It may be true that the deputation is permitted in various Organisations for five years or in certain cases more than that. However, that cannot be compared to



the lien. The reason is that, in case of deputation, an employee continues to be on the rolls of parent Organisation and he can be recalled or repatriated at any time, depending on the need in the parent Organisation.

In contrast, a person who is on lien, is on the rolls of some other Organisations, and this is only a facility like buffer, so that he can come and join in the event of his not being continued in the said Organisation. Naturally, this must be for a limited period. If the employee continues to hold lien, for a long period, the organisation would not be in a position to fill up the posts and its functioning would naturally suffer.

8. We are of the view that in the peculiar circumstances of this case, a middle path can be adopted by permitting the applicant to come back and join even while leaving it open to the respondents to fill up the vacancy, which was earlier held by the applicant by way of deputation. In fact, the 2nd respondent has also initiated steps in that direction.

9. We, therefore, dispose of the OA directing that ;

- (a) In the event of the Writ Petition, filed by him, against the Order in OA No.943/2017, being dismissed, he shall be entitled to come back to



the 2nd respondent organization, subject to availability of vacant position; and

(b) The vacancy caused on account of leaving of the applicant from the 2nd respondent organization, shall be filled through the process of deputation till the uncertainty ceases.

There shall be no order as to costs.

(TarunShridhar) (Justice L. Narasimha Reddy)
Member (A) Chairman

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