

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 23rd day of September 1996
Original Application No. 1407 of 1992

District : Chamoli

CORAM :-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Anand Vilas Mamgain, Son of Sri Surya Mani
Mamgain Resident of Village Ukhimath,
P.O. Ukhimath, District-Chamoli.

(By Sri R. Thapliyal, Advocate)

..... Applicant

Versus

1. Union of India through Cabinet Secretary, PM's Cabinet, New Delhi.
2. Director S.S.B., Block-V (East)
R.K. Puram, New Delhi-110066
3. Director General of Security,
Office of the Area Organiser,
Chamoli at Gorakhpur.

(By Amit Sthalekar, Advocate)

..... Respondents

O R D E R _ (O r a l)

By Hon'ble Mr. S. Das Gupta, A.M.

This application was filed under Section 19 of the Administrative Tribunals Act, 1985, seeking regularisation of the services of the applicant and his absorption on permanent basis against the post of Circle Organiser on which he was continuously and regularly working since 1989.

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2. The applicant who was a permanent teacher in the Education Department was appointed on deputation on the post of Circle Organiser S.S.B. by an order dated 15-9-1988 (Annexure-A-2). The initial period of the deputation was for three years which was extended by one year (Annexure-A-3). It also appears that the case of the applicant alongwith two others for permanent absorption on the post of Circle Organiser was being considered by the S.S.B. However, by the impugned order dated 11-9-1992 the request of the applicant for permanent absorption on the post of Circle Organiser was rejected. Hence, this application for the relief aforementioned.

3. The applicant's case is that he has been continuously working on the post of Circle Organiser and his performance has been of outstanding nature. He had been assured that he will be permanently absorbed on the post of Circle Organiser on which he was working on deputation. For this purpose, certain data were collected from him but finally the case was rejected while several other persons who had also been taken on deputation like the applicant by the S.S.B. were permanently absorbed on the post of Circle Organiser.

4. The respondents have filed a counter affidavit in which it has been stated that the case of the applicant and two others for absorption on the post of Circle Organiser was considered but finally the same could not be agreed to. They have, further stated that other persons who were absorbed on the post of Circle Organiser, as referred to in the OA, were taken on deputation during the period much earlier than the period when the applicant was taken on deputation and it was ^a _{at} time when the cadre was being initially constituted and, therefore, it was possible for the respondents to absorb those persons in the cadre.

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5. The applicant has filed a rejoinder affidavit reaffirming his contention in the OA.

6. We have heard learned counsel for the parties and perused the record carefully.

7. Admittedly the applicant had been sent on deputation from the Education Department. He was initially on deputation for a period of three years which was extended by one year. A deputationist does not have any vested right to get absorbed in the borrowing department. The learned counsel for the applicant argued that as the respondents had given to the applicant an assurance that he would be absorbed, they would be estopped from denying him the benefit of absorption. We are unable to accept this contention. Apart from the fact that there is no written assurance given to the applicant, there is nothing on record to indicate in what manner the applicant had acted adverse to his interest on the basis of any assurance, even it was given. The principle of promissory estoppel cannot be invoked in such circumstances.

8. Learned counsel for the applicant also argued that he was adversely discriminated against. The respondents have specifically stated that other persons who were permanently absorbed were taken on deputation much earlier and were absorbed at the time of initial constitution of the cadre. This contention has not been rebutted by the applicant. The respondents have full right to decide whether the applicant should be absorbed on permanent basis or not and ^{if} ~~they~~ have exercised this right not in favour of the applicant, we see no reason to interfere,

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9. In view of the foregoing, this application is devoid of merit and is dismissed accordingly. The parties shall bear their own costs.

Thompson
Member (J)

WR
Member (A)

Dube/