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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 392 of 1994.

Tuesday, this the 10th day of December, 2002.

Hon'ble Mr. Govindan S Tampi, Member-A.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

R.P. Saxena,

s/o Sri D.P. Saxena,

aged about 52 years working as Divisional
Accountant Tube Well Division I Bareilly,
presently residing at 15, Madhinath, Bareilly.

.....Applicant.

(By Advocate: Sri R.D. Agrawal).

Versus.

1. Union of India
through Comptroller and Auditor
General of India, New Delhi.
2. Accountant General (A & E) 2, U.P.
Allahabad.

.....Respondents.
(By Advocate: Km Sadhna Srivastava)

(By Advocate: O.R.D.E.R. and Srivastava)

BY HON'BLE MR. GOVINDAN S. TAMPI, Member-A

None for the applicant, even on the 3rd call. We
are, therefore, disposing of the O.A. after hearing
Km. Sadhna Srivastava counsel for the respondents in terms
of Rule 15 of the C.A.T (Procedure) Rules, 1987.

2. The applicant in this case challenges his repatriation
to the parent department, from the organisation where he
was sent on deputation. The applicant was working with U.P.
Government in Public Works Department since 22.04.1963 as a
Clerk. Respondents issued the notice for filling up
vacancies of Divisional Accountant for which post the
applicant applied for and was selected and he was placed

with the Executive Engineer, Tube Well Division-I Bareilly. The applicant has accordingly given the fixation of pay as Divisional Accountant. He had performed his duties satisfactorily Without giving any reason to the complaint. But on 05.02.1994 he was advised that he would be repatriated with effect from 30.03.1994. His representation dated 5.2.1994 was not heeded to and he was repatriated as indicated earlier though number of posts of Divisional Accountant were vacant. He has, therefore, approached the Tribunal for its intervention in the matter so that he would not be repatriated.

3. Replying on behalf of the respondents and reiterating their pleadings, Km S. Srivastava, counsel for the respondents points out that the applicant, who was a senior Assistant in the Office of Executive Engineer, Temporary Electrical and Mechanical Division-II, P.W.D., Bareilly, was taken on deputation on 05.03.1991, by the Accountant General, Allahabad. The deputation was subject to fulfilment of certain terms and conditions. Paras 4 and 7 of the said terms and conditions read as below:-

"....The competent authority reserves their right of terminating deputation at any time after assigning reason or even without assigning any reason".

".....The period of deputation can be extended beyond one year at the discretion of the Sr.Dy. Accountant General (Works); but will not exceed three years in any case".


The applicant has accepted the deputation fully reading the conditions. This being the case, Km S Srivastava points out that the applicant cannot have any legitimate grievance on his repatriation to his own organisation on the completion of the deputation period.

4. We have considered the matter and we are convinced that the applicant has no case. He was specifically taken of deputation by order dated 05.03.1991 for a period of one year which was extended by 2 more years. He was thus as deputation for the full period of three years. The terms and conditions attached to the offer of appointment, which he had accepted in toto clearly indicated that he was liable to be repatriated at any time with or without assigning any reason and also that his

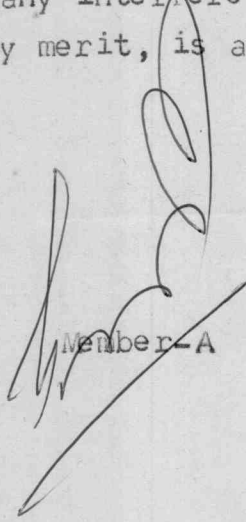
deputation cannot exceed three years in any way. Applicant has in his O.A conveniently omitted ^{to show} the portion of his deputation order dealing with the terms and conditions of deputation. Respondents by the impugned order, have only given effect to the terms and conditions of his deputation order and had repatriated him. Once the period was over, the applicant was found to be repatriated. He has not brought out any case for his continued deputation or absorption in the Department where he was taken on purely temporary deputation.

5. In the above matter, we are convinced that the applicant has not made out any case for any interference. The O.A., therefore, being bereft of any merit, is accordingly dismissed.

No order as to costs.


Member-J

Manish/-


Member-A