

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 517 OF 1994

TUESDAY, THIS THE 3RD DAY OF DECEMBER, 2002

HON. MR. S. DAYAL, MEMBER-A

HON. MR. A.K. BHATNAGAR, MEMBER-J

Narendra Prakash Saxena
Divisional Accountant (on Deputation)
Tub-well Division,
District Rampur.Applicant.

(By Advocate:- Shri D. B. Singh)

Versus

1. Union of India,
Ministry of Finance and Audit,
New Delhi.
2. Senior Deputy Accountant,
General (Works), U.P.,
Allahabad.
3. Deputy Accountant General (Construction)
Uttar Pradesh,
Allahabad.
4. Executive Engineer,
Tub-well Division PWD,
District- Rampur.Respondents.

(By Advocate:- Km. Sadhna Srivastava)

ORDER

HON. MR. S. DAYAL, MEMBER-A

This application has been filed for setting aside impugned order dated 15-10-1993 passed by respondent No. 3. A further direction is sought to the respondents not to interfere in the peaceful working of the applicant as Divisional Accountant Tub-well Division PWD, District Rampur. The applicant has also claimed salary for the post of Divisional Accountant.

2. The case of the applicant is that he was selected on deputation for the post of Divisional Accountant at Tub-well Division, Rampur by order dated 5-3-1991. Applicant was relieved from the office by the Executive

Engineer, Building Construction Division PWD, Bareilly on 1-4-1991. The applicant was joined the Tubewall Division on 2-4-1991. The applicant was given an office order dated 15-10-1993 by which he was ordered to be repatriated to his parent Department because his period of Deputation expiring on 31-3-1994, this has been mentioned by the applicant in Para 4 (vii) of the application. The applicant has come to us against the said order.

3. We have heard Km. Sadhna Srivastava, counsel for the respondents and learned counsel for the applicant is neither present nor has sought adjournment.

4. We find from CA-III which shows the General and Standard terms and conditions of deputation for the post of Divisional Accountant that Item No. 7 of these terms and conditions runs as follows:-

"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."

We also find from CA-II gives an undertaking of the applicant which is reproduced below:-

"That I am ready to relinquish the charge of Divisional Accountant and join back in my parent department as per orders of the competent authority at any time, even before one year if any such order is passed in future terminating my deputation as Divisional Accountant with or without assigning any reason."

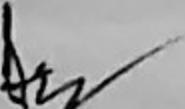
5. The applicant's contention is that the said order should be considered a nullity because it does not contain the signature of the authority under which it has been made but is only a Photo-State copy of the impugned order.

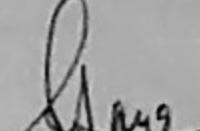
6- We find that the order ^{as} ~~cyclostyled~~ is signed by respondent No. 3 before the cyclostyle copy was taken,

which is evident from Annexure A-4 to the O.A.

7. It is clear from the terms and conditions of
deputation ~~and~~[✓] undertaking of the applicant
contained in Annexure II & III to the CA that the
period of deputation could not exceed three years
and that the applicant having accepted the terms
and conditions could not subsequently challenge
~~and~~[✓] the order which was based on the said terms
and conditions. Under the circumstances, we do not
find any merit in the O.A which ~~was~~^{is} dismissed.

No order as to costs.


Member-J


Member-A

Madhy/