

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No.1172 of 1995

Allahabad this the 15th day of November 1995

Hon'ble Mr. Justice B.C. Saxena, Vice Chairman
Hon'ble Mr. D.S. Baweja, Member (Administrative)

Virendra Singh, Junior Accounts Officer (Cash), S/o
Sri Dilawar Singh, Department of Telecom, Muzaffarnagar,
at present resident of 908/1, South Civil Lines,
Muzaffarnagar.

APPLICANT.

By Advocate Shri Satish Mandhyan

Versus

1. Union of India through Secretary, Ministry of
Communication, New Delhi.
2. Asstt. Director General (SEA), Department of Telecom,
Sanchar Bhawan, New Delhi.
3. The Chief General Manager, Telecom (East Circle),
U.P., Lucknow.
4. The Chief General Manager, Telecom (West Circle)
Dehradun.
5. Telecom District Manager, Muzaffarnagar.
6. The Director Accounts (Postal), Aminabad, Lucknow.

RESPONDENTS.

By Advocate -----

ORDER (Oral)

By Hon'ble Mr. Justice B.C. Saxena, V.C.

We have heard the learned counsel

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for the applicant. Through this O.A., the applicant seeks quashing of the order dated 01.8.1995 (Annexure A-1) repatriating him to the parent department viz Department of Posts. He is also challenging an order dated 19.10.1995 (Annexure A-2) of the compilation no.I. In this order it is mentioned that in pursuance of DOT, New Delhi letter dated 01.8.1995 and letter dated 14.9.95 of the Director of Accounts (Postal), the applicant has been struck off from the strength of this Telecom District and has been relieved with effect from 31.10.95. The main grievance of the applicant is that on deputation, he joined on 17.4.93. He states that Assistant Director General through letter dated 15.2.93 has provided extension of the deputation period for 3 years from the date of joining. The applicant, therefore, claims that he is entitled to continue on deputation in the Telecom department till 16.4.1996.

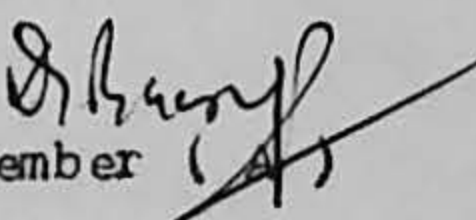
2. Learned counsel for the applicant has invited our attention to Appendix V to Swamy's Compilation of Fundamental Rules, Part I. Para 8.5 of the said appendix reads as under;

8.5

When extension of period of deputation is considered, the period of extension may be so decided upon as to enable the officer concerned to continue on deputation till the completion of the academic year in cases where the officer has school/college going children.

This provision is based on Department of P & T O.M. dated 29.4.1988. These are administrative

instructions and is not a statutory provision. The situation contemplated by said provision is also altogether different. It deals with the time upto which the period of deputation should be extended, when a decision to extend the period is taken. Here the period not ~~being~~ extended and thus, that provision will not ^{be} applied. The applicant has indicated that his children are studying in Local schools. The eldest is in ^{VIth} the ~~IVth~~ standard and the younger in IVth standard. These are the matters for the administrative authorities to ~~be~~ considered. We accordingly find no force in the O.A. The same is summarily dismissed. We, however, wish to observe that incase the applicant chooses to make representation to the relevant authority, it would be open to the relevant authority to consider the representation and pass ^{appropriate order} ~~the~~ order.


Member


Vice Chairman

/M.M./