

## CENTRAL ADMINISTRATIVE TRIBUNAL

~~PRINCIPAL BENCH, DELHI~~  
AHMEDABAD BENCH

O.A No. 198  
~~P.A. No.~~

1980

DATE OF DECISION 26-4-1990

Shri R.G.Mehta

Petitioner

Shri D.K.Mehta

Advocate for the Petitioner (s)

Versus

Union of India &amp; Anr.

Respondent

Shri J.D.Ajmera

Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. N. Dharmadan

Judicial Member

The Hon'ble Mr. M.M. Singh

: Administrative Member

JUDGMENT

(2)

Shri R.G.Mehta,  
Emergency Divisional Accountant,  
Irrigation Modernisation Dn No,2,  
Polytechnic Compound,  
Ahmedabad.

: Applicant

Versus

Union of India  
Through:  
Accountant General (A & E)  
Gujarat State,  
Race Course Road,  
Rajkot.

: Respondent

Coram : Hon'ble Mr. N.Dharmadan

: Judicial Member

Hon'ble Mr. M.M.Singh

: Administrative  
Member

ORAL ORDER

Date: 26-4-1990

Per: Hon'ble Mr. N.Dharmadan

: Judicial Member

The applicant who joined in the Public Works Department 30 years back has been deputed as Divisional Accountant under the Administrative control of the Accountant General and according to him he has been working as Divisional Accountant (Emergency) for the last 11 years and <sup>to his</sup> ~~it is~~ surprised <sup>by</sup> ~~the~~ ~~has~~ received Annexure A-2 order repatriating him to the parent department for the reason that he has not passed ~~in~~ the Divisional Accountant Grade Examination prescribed for selection and absorption to the new department ~~from~~ <sup>for</sup> the last six chances.

His contentions are that he has a right to continue <sup>present post is</sup> ~~there~~ because he was allowed to continue for the last 11 years in the foreign service <sup>and</sup> ~~it~~ would <sup>cause</sup> ~~pass~~ inconvenience <sup>and</sup> hardships for him <sup>if he is</sup> ~~to~~ send ~~him~~ back to the parent department. It <sup>is</sup> ~~was~~ further contended by the applicant that number of others who ~~were~~ junior to the applicant are being allowed to continue in the new Department without being repatriated as in the case of the applicant.

We have considered all these contentions. We have also heard the counsel on both sides on these matters and also perused the records. The applicant has not furnished any details to establish his plea of discrimination that his juniors are being allowed to function as Divisional Accountant (Emergency) in the new Department. Hence we see no merit in the contention raised by the applicant. The applicant did not establish any legal right to allow him to continue as Divisional Accountant (Emergency) not with standing Annexure A-2. Hence this application is only to be dismissed as devoid of merit.

But the applicant's plea that he should be given further chance to sit <sup>for</sup> examination so as to enable him to pass the same and seek his <sup>further chance</sup> ~~right~~ <sup>to be</sup> absorbed as Divisional Accountant (Emergency). He should be given further chance in view of the fact that he has severed <sup>all</sup> his <sup>connections</sup> ~~action~~ with the parent department and <sup>he is</sup> expecting promotion and absorption in the foreign service because in Annexure A1 <sup>when</sup> ~~while~~ he was taken as an Emergency Divisional Accountant, he was not informed that he should sit for the examination and pass <sup>for</sup> the same for getting absorption. <sup>These submissions deserve sympathetic consideration</sup> These are all matters <sup>and</sup> to be considered ~~sympathetically~~ by the respondent before actually implementing the decision in Annexure A2. If the applicant submits a representation <sup>within three weeks from today</sup> ~~raised~~ on these grounds for sympathetic consideration by the respondent we hope the respondent will consider the same taking into consideration the grievance of the applicant. <sup>If such a decision is taken in the applicant's favour, he should be repaid.</sup> With these observations, we dismiss the application. There will be no order as to costs.

(M.M.Singh)  
Administrative Member

(N.Dharmadan)  
Judicial Member