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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of Order : 4.12.95

O.A. NO. : 506/95

Bhanwar Singh

.. Applicant.

Vs.

Union of India & Ors.

.. Respondents.

Mr. S.K. Malik, Counsel for the Applicant.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Ms. Usha Sen, Administrative Member.

PER HON'BLE MS. USHA SEN :

Heard Mr. S.K. Malik, learned counsel for the applicant.

2. While working as Driver in the Third Batallian, Rajasthan Armed Constabulary (RAC, for short), Bikaner, he came over on deputation to the office of the Superintendent of Police, C.B.I., Jodhpur (SP, Jodhpur, for short) on 16th April, 86. The initial period of deputation was for five years which expired in 1991. On being asked his willingness for absorption in the department of the respondents, the applicant gave his willingness. The respondent No. 2 informed the applicant, ~~that~~ "till action

of absorption your tenure has been extended for a further period of 5 years from April, 91 to April, 96". It is noteworthy that no order to this effect has been produced. Now an order has been passed by the SP, Jodhpur, which is dated 28th November, 95 (Annexure A/1) stating that on completion of his tenure, the applicant is relieved from his duties w.e.f. 28th Nov., 95 with the direction to report for duty to the Commandant, Third Battalion, RAC, Bikaner. The applicant has challenged this order in this OA on the ground that it is motivated by malafide and has been passed by an incompetent authority. On receipt of the order the applicant made a representation which is at Annexure A/5. In this representation, he has stated that since the academic session of his children who are studying in school would be over in May, 96, it would cause great hardship to him if he is transferred before the end of the session.

3. It is seen that the applicant has not waited for a reply to his representation but has rushed to the Tribunal for relief. A person on deputation has no legal right to continue as such even after the expiry of the period of deputation. There is no document on record to show that the deputation of the applicant had infact been extended up to April, 96. On the other hand, Annexure A/1 clearly states that on completion of his tenure of deputation, the applicant has been repatriated to his parent department. We also find that a copy of the impugned order at Annexure A/1 has been endorsed to the D.I.G., C.B.I., Jaipur with reference to internal notes dated Sep., 95 and another copy has been

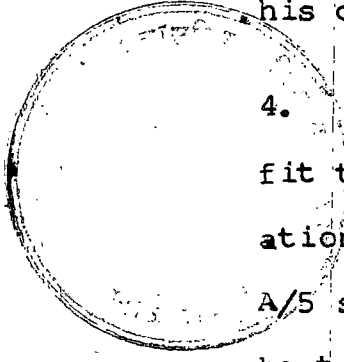
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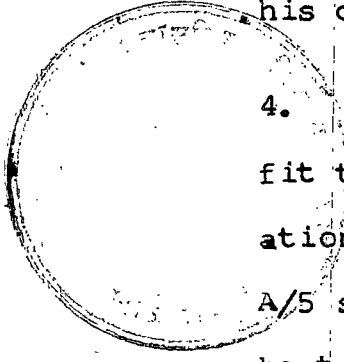
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endorsed to the D.I.G.P. (Headquarter) Jaipur, with reference to internal notes of Oct., 1995. Hence, we are unable to accept the view that the impugned order has been passed without the knowledge of the competent authorities. All the same, the applicant has genuine grievance with regard to the prosecution of studies of his children.

4. In the circumstances of the case, we deem it fit to direct the respondents to consider the representation of the applicant dated 28th Nov., 95 at Annexure A/5 sympathetically and take necessary action in the best interest of all within a period of one month from the date of receipt of a copy of this order. The allegation of malafide may also be considered objectively by the respondent No.2 before a decision is taken.

5. With these directions, the O.A. is disposed of at the stage of admission.


(USHA SEN)
Member (A)


(GOPAL KRISHNA)
Vice Chairman

SCM