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CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

Date of Order : 17.05.2001

Original Application No. 117/2001.

Durbin Singh S/o Shri Dhani Ram, aged about 44 years, resident of Quarter No. 2162, D.S. New Railway Colony, Jodhpur. Working as Clerk/G-Operator under Dy. Chief Engineer (C-1), Northern Railway Jodhpur.

APPLICANT..

VERSUS

1. Union of India through the General Manager, Northern Railway, Headquarter Office, Baroda House, New Delhi.
2. The Deputy Chief Engineer (C-1), Northern Railway, Jodhpur.
3. The Chief Administrative Officer (C), Northern Railway, Kashmiri Gate, Delhi-6.
4. The Divisional Rail Manager, Northern Railway, Delhi Division, Delhi.

RESPONDENTS ..

Mr. Kuldeep Mathur, counsel for the applicant.

CORAM

Hon'ble Mr. A. K. Misra, Judicial Member.

Hon'ble Mr. A. P. Nagrath, Administrative Member.

ORDER

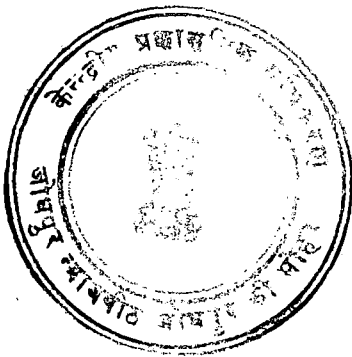
(per Hon'ble Mr. A. K. Misra)

By filing this OA, the applicant has challenged the order dated 10.05.2001 passed by Dy. Chief Engineer, Northern Railway, Jodhpur, which reads as follows :

" Shri Durbin Singh S/o Shri Dhani Ram who was put to work as G.Operator purely on adhoc basis is hereby repatriated to his parent Division i.e. Delhi Division in his substanti cadre, capacity and grade with immediate effect as his services are no longer required in Construction Organization".

2. The applicant has prayed that, the respondents be directed not to repatriate the applicant to his parent division in a substantive cadre and continue him in the present post in Construction Organization.

3. It is alleged, by the applicant that applicant has been working in the Construction Organization since, 1979, and is being sent back to his parent department after almost 22 years. The applicant has not been absorbed by the Construction Organization, though, he had worked to the full satisfaction of the authorities concerned and was also granted promotion in the Construction Organization.




4. We have considered the contention and facts of the case. The applicant has been ordered to be repatriated to his parent department. He cannot be directed to be absorbed or continued in the borrowing department i.e. Construction Organization when the Construction Organization does not need his services any more. It has been settled by various judgments that deputationists cannot claim to be absorbed in the borrowing department as of Right. He can be considered for absorption and may be absorbed if his services are needed on permanent basis in that department and has been found suitable. In this case the department is repatriating the applicant to his parent department on the ground that his services are no more required in the construction organization. In our opinion, the borrowing department is the best Judge for retaining a deputationist or sending him

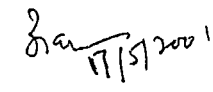
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back to his parent department, therefore, we would not like to interfere in the matter in hand.

5. In our opinion, the order Annexure A-1 dated 10.05.2001 passed by Dy. Chief Engineer, Northern Railway, Jodhpur, does not call for any interference. The OA has no merits and deserves to be dismissed. The OA is, therefore, dismissed in limini.

  
( A. P. NAGRATH )  
Admn. Member

  
( A. K. MISRA )  
Judl. Member