

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 62/2009

Date of order: 14.12.2009

CORAM:

**HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER**

Madan Mohan Ratnu son of Shri Balu Dan Ratnu, aged about 46 years, resident of 113, Hanuwant 'A' BJS Colony, Jodhpur at present employed on the post of Inspector of Police (under repatriation order) in the office of SP CBI, Lalsagar, Mangra Punjab, Jodhpur (Raj.).

...Applicant.

Mr. J.K. Mishra, counsel for applicant.



VERSUS

1. Union of India through the Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi – 110 001.
2. Director, Central Bureau of Investigation, Govt. of India, Block No. 3, 4th Floor, CGO Complex, Lodi Road, New Delhi – 110003.
3. General Manager, Western Railway, Churchgate, Mumbai (Mumbai).
4. Superintendent of Police, CBI, Lal Sagar, Jodhpur.

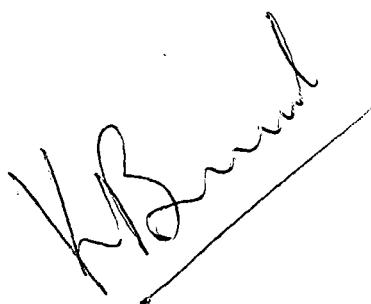
... Respondents.

Mr. Kuldeep Mathur, counsel for respondent Nos. 1, 2 & 4.
Mr. Govind Suthar, proxy counsel for
Mr. Manoj Bhandari, counsel for respondent no. 3.

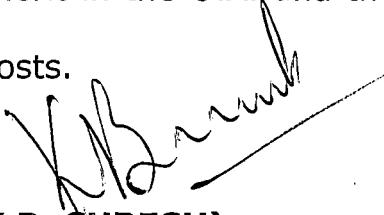
ORDER**(Per Hon'ble Dr. K.B. Suresh, Judicial Member)**

The applicant is aggrieved by the order dated 28.01.2009 passed by the Superintendent of Police, SPE, CBI, Jodhpur by which he had been repatriated by the CBI to his parent department in the Railway. His contention is that on a wrong pretext given by the CVC, the C.B.I. has repatriated him and he is fully eligible for absorption on the post of Inspector in CBI.

2. From a perusal of Annexure A/5 at page no. 17 of the O.A., which deals with the methodology of absorption of deputationist Inspector in CBI, it is very clear that the competent authority has the right to refuse absorption of any deputationist Inspector without assigning any reason thereof.
3. The applicant in para 5 of the O.A. has stated that he was being repatriated due to some dissatisfaction of the CVC, New Delhi on his verification in closure of a case.
4. We do not see any illegality or arbitrariness in the action of the CBI in accepting the advice of the CVC. The comments of the CVC which may be adverse to the applicant cannot be overlooked by the CBI under any pretext.



5. After going through the pleadings, we have found that the CVC had played a role in the case and the CBI decided the case of absorption of the applicant and hence he has been repatriated to his parent department. We have also found that there is no vested right in a person to remain in a deputation post or get absorbed in the deputed post. It depends on the satisfaction of the authority concerned. We are also informed that repatriation had taken effect immediately and therefore nothing more remains with the matter. There is no legal ground for the applicant to found a case. We do not want to comment anything more on this matter. If the applicant is aggrieved further then the methodology of civil jurisprudence is available to him. There is no merit in the O.A. and therefore, it is dismissed. No order as to costs.


(DR. K.B. SURESH)
JUDICIAL MEMBER


(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER

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under the supervision of
Section Officer (J) as per
order dated 07/07/2015

Section Officer (Kecoura)