

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.468/97

FRIDAY THIS THE 13TH DAY OF JUNE, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Santha Manohar, Lower Division Clerk,
Office of Deputy Regional Director
National Savings, Civil Station,
Kakkanad, Cochin.30.

.... Applicant

(By Advocate Mr. D.Sreekumar)

Vs.

1. The National Savings Commissioner,
National Savings Organisation,
Government of India,
Ministry of Finance,
12 Seminary Hills, Nagpur-440006.
2. The Regional Director,
National Savings Organisation,
Ministry of Finance,
Government of India,
C Block 3rd floor, CGO Complex
Poomkulam, Vellayam PO,
Thiruvananthapuram.
3. The Deputy Regional Director,
National Savings, IV Floor,
Civil Station, Kakkanad PO, Cochin 12.
4. The Director,
Central Institute of Fisheries, Nautical
and Engineering Training,
Government of India, Dewan's Road,
Ernakulam, Cochin.16.
5. The Union of India, represented
by the Secretary to Government,
Ministry of Finance,
Revenue Department,
Central Secretariat,
New Delhi.

... Respondents

(By Advocate Mr. TPM Ibrahim Khan (represented))

The application having been heard on 13.6.97, the
Tribunal on the same day delivered, the following:

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O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is a Lower Division Clerk in the office of the third respondent applied for the post of Junior Hindi Translator in the office of the 4th respondent on transfer on deputation basis pursuant to a notification dated 5.2.97. On 24.1.97 the first respondent National Savings Commissioner had issued a circular to all the Regional Directors instructing them not to forward applications from D.S.O. and ministerial staff for appointment elsewhere on deputation basis, as owing to the delay in nomination of suitable candidates for appointment to various posts by the Staff Selection Commission there is acute shortage of staff in various Regions. It was made clear in the circular that there is no objection if official applies for direct recruitment, or appointment on immediate absorption basis elsewhere. Annexure.A3 is a copy of the above circular. In view of the instruction contained in the above circular third respondent by his order dated 11.3.97 (Annexure.A4) returned the application of the applicant refusing to forward the same to the 4th respondent. These two orders Annexure.A3 and Annexure.A4 are under challenge in this application. It is alleged in the application that the impugned orders violate the fundamental rights of the applicant from consideration for public appointment and that they are liable to be struck down.

2. Respondents seek to justify the impugned orders on the ground that for want of sufficient staff, the

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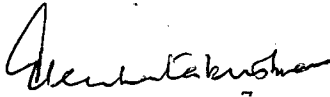



National Savings Organisation finds it difficult to manage its affairs and therefore it is not feasible to lend available staff to go on deputation keeping lien on the post which they held under the organisation.

3. On a careful scrutiny of the materials available on record we find that the impugned orders are fully justified and that no interference is called for. By the refusal to forward the application of the applicant no fundamental right of the applicant is denied. It is open for the applicant to seek employment elsewhere on direct recruitment or on immediate absorption. In the situation in which the National Savings Organisation is presently placed, we are satisfied that the organisation cannot afford to let the existing staff to go on deputation retaining lien on the posts they hold.

4. The application does not merit further consideration. Therefore the same is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated the 13th day of June, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

ks.

LIST OF ANNEXURES

Annexure A3: True copy of Order No.1179-1205/
PF-1-18/13 dated 24.1.1997 issued
by first respondent to second
respondent.

Annexure A4: True copy of the Order No.186/SM/
P dated 11.3.1997 issued by the
third respondent to the applicant
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