

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 530 of 1997

Wednesday, this the 20th day of August, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. Manikandan K.K.,
Lower Division Clerk,
INS (Venduruthy),
Motor Transport Pool,
Naval Base, Kochi-4 .. Applicant

By Advocate Mr. Varghese Myloth

Versus

1. The Union of India represented
by Secretary,
Ministry of Defence, New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters, New Delhi.
3. The Chief Staff Officer
(Personnel & Administration),
Head Quarters,
Southern Naval Command, Cochin-4 .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 20-8-1997, the
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to quash A-6 order dated 28th of
August, 1995 and to declare that he is entitled to
deputation allowance and higher rates of pay during the
period of deputation in Naval Headquarters, New Delhi.

2. The applicant, while working at Kochi as Lower
Division Clerk on a casual basis under the 3rd respondent,
was transferred on deputation for a period of four years

contd....2.

to Naval Headquarters, New Delhi as per A-3. After serving at Naval Headquarters, New Delhi for four years, the applicant returned to Kochi. He was not granted deputation allowance. He submitted A-5 representation dated 29th of May, 1995 requesting to grant him deputation allowance. The said representation was rejected on the ground that the applicant was not on deputation, as per A-6.

3. As per A-1 dated 15-2-1990, applications were invited by the 3rd respondent from Clerks including casuals for transfer on deputation to Naval Headquarters. As per A-3, the applicant was directed to report at Naval Headquarters, New Delhi on transfer on deputation for a period of four years.

4. A-6 says that the applicant was not on deputation as claimed. But, it does not contain any ground on which such a finding is arrived by the 3rd respondent who has issued it. It is not enough to say simply that the applicant was not on deputation. When the authority concerned gives a finding that the incumbent was not on deputation, it is necessary to state the ground on which the said finding is arrived. The applicant is entitled to know on what ground the 3rd respondent has come to a finding that he was not on deputation. The applicant is kept in the dark about the same. The situation cannot be like that. As A-6, the impugned order, does not say on what ground the 3rd respondent has given the finding that the applicant was not on deputation, the same is liable to be quashed.

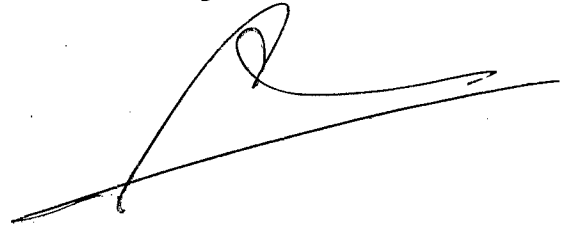
contd..3.



5. Accordingly, the impugned order A-6 is quashed. The 3rd respondent shall consider afresh A-5 representation submitted by the applicant and pass a speaking order within two months from the date of receipt of a copy of this order.

6. Original Application is disposed of as above. No costs.

Dated the 20th of August, 1997

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a horizontal line extending to the right.

A.M. SIVADAS
JUDICIAL MEMBER

ak/208

LIST OF ANNEXURES

1. Annexure A1: Memorandum No.CS 3704/44 dated 15.2.1990 issued by the third respondent.
2. Annexure A3: The Movement Order No.CS 3704/44 dated 2.7.1990 issued by the third respondent.
3. Annexure A5: Representation dated 29.5.1995 given by the applicant to the third respondent.
4. Annexure A6: Order No.CS 3704/44 dated 28.8.1995 issued by the third respondent.

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