

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 573 of 2000

Thursday, this the 1st day of June, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. George A.V.,
S/o A.P. Varghese,
Lower Division Clerk,
Office of the Chief Engineer (Civil),
, Department of Telecom, Trivandrum
(residing at Anjilikkapallil House,
South Paravur PO, Ernakulam) ..Applicant

By Advocate Mr. MR Rajendran Nair

Versus

1. Union of India represented by the
Secretary to Government of India,
Ministry of Communications, New Delhi.
2. The Secretary to Government of India,
Ministry of Commerce, Department of Supply,
DGS&D, New Delhi.
3. The Secretary to Government of India,
Ministry of Personnel, Public Grievances
and Pension, New Delhi.
4. The Chief General Manager,
Telecom, Kerala Circle, Thiruvananthapuram.
5. Chief Engineer (Civil),
Department of Telecom Services,
Thiruvananthapuram. ..Respondents

By Advocate Mr. MR Suresh, ACGSC

The application having been heard on 1st June, 2000,
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant seeks to quash A1, to declare that he is
entitled to be absorbed on a regular basis in the cadre of LDC
with effect from 30-3-1998, and to direct the respondents to

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absorb him as LDC in the office of the Telecommunications on a regular basis with effect from the said date with all consequential benefits.

2. It is the admitted case of the applicant that he was selected to the posting in the office of Chief Engineer (C), DOT, Thiruvananthapuram on a loan basis initially for a period of one year from the date of joining in that office. The applicant now seeks to quash A1 as per which his request for absorption in the Department of Telecommunications has been rejected.

3. Since the applicant was taken to the Department of Telecommunications only on a loan basis admittedly, he has no legal right to continue or to get absorbed in that Department. His position is in no way better than that of a person on deputation. It is for the Department of Telecommunications in this matter to decide whether the applicant is to be absorbed or not. The applicant cannot dictate terms to the Department of Telecommunications just because he was taken only on a loan basis for a certain period. We do not find any legal basis for the claim of the applicant.

4. A1, the impugned order, is dated the 15th of February, 2000. Subsequent to that, referring to A1, as per A9 the applicant has expressed his willingness for the extension of the loan period for one more year after the expiry of the present term. Since A1 says that willingness for extension of the loan period for one more year may be obtained and sent to the Department for further necessary action in the matter, A9 clearly indicates that the applicant has understood the

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position that he has no right to get himself absorbed and as such has expressed his willingness for extension of the loan period for one more year.

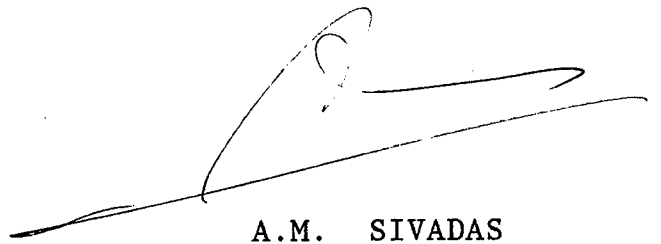
5. We do not find any ground much less any good ground to admit the application.

6. Accordingly, the original application is dismissed.
No costs.

Thursday, this the 1st day of June, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A1 - True copy of the Order No. A-22013/6/96-Admn.II dated 15-2-2000 issued by the 1st respondent.
2. A9 - True copy of the Order No.8(21)/99/(ECC)/TVM/372 dated 1-3-2000 issued by the Executive Engineer (HQ), Thiruvananthapuram.