

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXX~~

NEW BOMBAY BENCH

O.A. No. 527 of 198 8
~~XXXXXXXX~~DATE OF DECISION 3.8.1988Shri R.M. More PetitionerShri P.T. Abraham Advocate for the Petitioner(s)

Versus

Union of India & Others. RespondentShri P.M. Pradhan Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. L.H.A. Rego, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(W)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.527/88

Shri R.M.More,
P7/10, New Airport Colony,
Sahar Road,
Bombay.

.. Applicant

V/s.

1. Union of India,
2. Chairman,
National Airports Authority,
R.K.Puram,
New Delhi.
3. The Director of Aerodrome,
National Airport Authority,
Bombay-400 099.
4. The Coordinating Director,
National Airport Authority,
Bombay Airport,
Bombay-400 099.
5. Director General,
Civil Aviation Department,
Ministry of Civil Aviation,
R.K.Puram,
New Delhi-66.

.. Respondents

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri L.H.A.Rego.

Appearance:

Shri P.T.Abraham,
Advocate for the
applicant.

Shri P.M.Pradhan,
Counsel for the
respondents.

ORAL JUDGMENT:

Dated: 3.8.1988

(Per: Shri B.C.Gadgil, Vice-Chairman)

We have heard Shri P.T.Abraham for the applicant
and Shri P.M.Pradhan for the respondents. In our opinion, the
application deserves to be summarily dismissed for the
following reasons.

Reg.

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2. The applicant was originally an employee (Motor Driver) working under the Civil Aviation Department. In 1985 the National Airport Authority Act came into force. Under section 13 of that Act, an order was passed deputing the applicant to the National Airport Authority. Shri Pradhan, pointed out to us that when a list of persons to be sent on deputation to the National Airport Authority was drawn up, the Civil Aviation Department did not include the name of the applicant therein. He was thus wrongly deputed to the National Airport Authority. However, that aspect would not be relevant, as it is common ground that the applicant on deputation was actually working with the National Airport Authority.

3. The impugned order dated 23.6.1988 was passed relieving the applicant from the National Airport Authority with a direction to join duty at Pune in the Civil Aviation Department. It is this order that is being challenged before us.

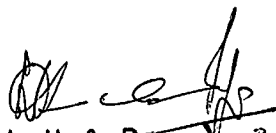
4. According to Section 13(3) of the National Airport Authority Act, 1985 an employee holding any office under the Civil Aviation Department immediately before commencement of the Act solely or mainly in connection with such affairs of the Directorate General of Civil Aviation as are relevant to the functions of that Authority under the Act, shall be treated as on deputation with the said Authority. Thus the position of the applicant is that he was on deputation with the National Airport Authority at the relevant time. Ordinarily, a deputationist would not have any right to


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insist, that he should be continued on deputation as it would be the discretion of the parent Department to repatriate him to that Department. It is precisely this, what has been done by the present Department, in this case. We, therefore, do not find any flaw in the impugned order. The application is, therefore, summarily dismissed with no order as to costs.


(L.H.A. Rego) 3.S. 988
Member (A)


(B.C. Gadgil)
Vice-Chairman