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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI
NEW BOMBAY BENCH

O.A. No. 224/88
~~XXXXXX~~

198

DATE OF DECISION 29-4-1988

Mr. P. Mathew George Petitioner

Shri A.G. Abhyankar Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri R.K. Shetty Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. M.B. Mujumdar, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *X*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(3)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.224/88

Mr.P.Mathew George,
E-3/156,
National Defence Academy,
Post Office: N.D.A.
Khadakwasla,
Pune - 411 023.

.. Applicant

vs.

1. Union of India
Ministry of Defence,
New Delhi.
2. Under Secretary to
The Government of India
Ministry of Defence,
New Delhi.
3. The Commandant
National Defence Academy,
Khadakwasla,
Pune - 411 023.
4. The Principal,
National Defence Academy,
Khadakwasla,
Pune - 411 023.
5. Mr.Sudhir Sinha,
Lecturer in English,
National Defence Academy,
Khadakwasla,
Pune - 411 023.

.. Respondents.

Coram:Hon'ble Member(A)Shri L.H.A.Rego

Hon'ble Member(J)Shri M.B.Mujumdar

Appearances:

Date: 29-4-1988

(Per M.B.Mujumdar, Member(J))

1. Shri A.G.Abhyankar,
Advocate for the
applicant.
2. Shri R.K.Shetty,
Advocate for the
Respondents.

ORAL JUDGMENT

Date: 29-4-1988

(Per M.B.Mujumdar, Member(J))

Heard Shri Abhyankar, the learned
advocate for the applicant and Shri R.K.Shetty,
the learned advocate for the respondents. The

..2/-

(4)

-: 2 :-

The applicant is working as Lecturer in English ⁱⁿ for the National Defence Academy since 1963. In October, 1985 the respondents invited applications ^{from} for volunteers who were prepared to go on deputation to Ethiopia as Professor in English. According to the applicant one Shri Sudhir Sinha, Lecturer in English is selected for being sent to Ethiopia on deputation. According to the applicant he is senior to Sinha. The applicant has requested that Sinha's deputation should be cancelled and the respondents may be directed to send him to Ethiopia on deputation.

It appears that (vide Annexure A-2) the Ministry has considered only those applicants who were having more than three years of service left before retirement for being sent to Ethiopia on deputation. Admittedly the applicant has to retire by the end of 1989 while Sinha is having more than 3 years of service left before retirement. The applicant is to retire on superannuation barely within one year and seven months. Hence there was no propriety in considering this case for sending on deputation to Ethiopia. Moreover the authorities have some discretion in choosing proper candidate for being sent on deputation to a foreign country. If they exercise that ^{discretion} power in favour of Shri Sinha their decision cannot be said as wrong so as to ~~give~~ give the applicant a right to move this Tribunal under Section 19 of the Administrative Tribunals Act.

We, therefore, reject the application summarily under Section 19 of the Administrative Tribunals Act, 1985.

(M.B. MUJUMDAR)
Member (J)

(L.H.A. REGO) 29.4.88
Member (A)