

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

O.A. 538/2001.

Dated this Wednesday, the 10th day of October, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).

Hon'ble Shri B. N. Bahadur, Member (A).

Ramnath K. Jadhav,  
Divisional Accountant,  
(On Deputation)  
O/o. Executive Engineer,  
Mechanical Division No. 2,  
Aurangabad.

...

Applicant.

(By Advocate - None present)

VERSUS

1. The Accountant General  
(A & E)-II,  
Nagpur.
2. The Executive Engineer,  
Mechanical Division-II,  
Garkheda Area, Aurangabad.

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Respondents.

(By Advocate - None present)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).

None for the Applicant. We note that none had appeared for the applicant even on 20.9.2001 when the case was listed. We have accordingly perused the pleadings and documents on record.

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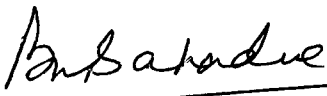
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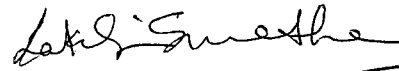
2. The applicant has impugned the reversion/repatriation order passed by the respondents dated 4.7.2001 (Annexure A-1). In this Office Order, it has been stated that "Consequent on completion of his term of deputation on 11.07.2001 Shri R. K. Jadhav, Divisional Accountant (on deputation) working in the O/O the Executive Engineer, Mechanical Division No. 2, Aurangabad is repatriated to his parent department with effect from 11.07.2001 AN." He had been directed to hand over the charge to one Shri A. B. Jawalgekar, Divisional Accountant (on deputation) in the same office on 11.07.2001 AN.

3. From a perusal of the aforesaid impugned order, it is presumed that the order has already taken effect from 11.7.2001 i.e. the repatriation of the applicant to his parent Department on 11.7.2001 on completion of his deputation period. This O.A. has been filed on 20.7.2001. We note that although a prayer has been made in paragraph 9 of the O.A. for stay of the impugned order dated 4.7.2001, no such order has been passed by the Tribunal. Having regard to the facts and circumstances mentioned by the applicant himself and the order dated 4.7.2001, we do not also see any prima facie case made out by the applicant to grant any such interim stay order at this stage. In the order itself it is mentioned that the applicant has been repatriated to his parent Department on completion of his deputation period on

11.7.2001. One of the grounds taken by the applicant in the O.A. is that there are no qualified persons freshly available or in the near future and hence, he should be continued in the deputation post. That ground can hardly be considered as relevant because it would be for the respondents to take care of the situation to post a suitable person as Divisional Accountant, which they have done by the impugned order itself by posting another official to take over charge from the applicant. As the applicant has completed his term of deputation on 11.7.2001, he does not have any enforceable legal right to continue in the deputation post. In the facts and circumstances of the case, we see no good ground made out by the applicant to allow this application or to direct the respondents, as claimed by the applicant, to continue him in the post of Divisional Accountant on deputation till a qualified Divisional Accountant is selected by the Staff Selection Commission.

4. In the result, for the reasons given above, we see no merit in this application. The O.A. is accordingly dismissed as devoid of merits. No order as to costs.

  
(B. N. BAHADUR)  
MEMBER (A).

  
(Smt. LAKSHMI SWAMINATHAN)  
VICE-CHAIRMAN.

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