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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.337/95.

DATE OF JUDGMENT: 14.3.95

BETWEEN:

VEERBRAHMA

..

APPLICANT

AND

1. Deputy Director (Admn.),
S.V.P.N.P.Academy,
Hyderabad.
 2. The Asstt. Director (Admn.O,
Sardar Vallabhabhai Patel National
Police Academy, Sivarempelly,
Hyderabad.
 3. The Director,
SVP National Police Academy,
Hyderabad.
 4. The Govt. of India, represented by
its Secretary, Home (Ministry of
Home Affairs), New Delhi. ..
- RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI B.LINGAIAH CHAUDARY

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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O.A.NO.337/95.

JUDGMENT

Dt: 14.3.1995

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri B.Lingaiah Chaudary, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was taken on deputation in R-2 Academy on 26.2.1994. By the impugned order No. 15011/18/93-Estt. dated 9.3.1995, the applicant was repatriated to his parent unit and he was required to report for duty to the Director, DCPW, New Delhi on repatriation. The same is assailed in this OA.

3. The challenge to the same is on the following grounds:-

When the deputation is for three years, the applicant ~~has to be~~^{is} repatriated on completion of one ~~year and for thereafter~~^{year}. The said post is ~~said~~^{to be} filled by another deputationist. No notice is given before the impugned order is passed.

4. It is further contended that in order to harass the applicant he was not even given sufficient time to make arrangements to go over to Delhi to join his parent unit and he is not even paid the TA and DA advance. It is further submitted that hardship will be caused to the applicant if he is not allowed to join in his parent unit.

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5. It is now well settled that deputationist can be repatriated even before the expiry of the deputation period. Hence, the deputation has no right to challenge the order of repatriation. As such, it is not a case where he has to explain anything against the order of repatriation. So, the question of issue of show cause notice before ~~the~~ ordering repatriation does not arise.

6. It is submitted by Shri N.R.Devaraj, learned standing counsel for the respondents that he was instructed by Shri S.K.Raut, IPS, Deputy Director (Administration) of the SVP National Police Academy, Hyderabad, ^{ie., R-I} to state that the applicant can give his application for advance of TA and DA tomorrow ~~xxxxxx~~ even by 10 A.M. and then the advance will be drawn and paid to him.

7. There is no basis for the apprehension for the applicant that he will not be allowed to join in his parent unit. It is needless to say that if such a contingency arises, it is open to him to approach ^{Central Administration} ~~this~~ Tribunal by filing an application under Section 19 of the Administrative Tribunals Act, 1985.

contd.....

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8. Subject to the submission for the respondents in regard to the payment of advance of TA and DA, this OA is dismissed at the admission stage. No costs./

(R.RANGARAJAN)
MEMBER. (ADMN.)

(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 14th March, 1995.
Open court dictation.

Deputy Registrar(J)CC

To vsn

1. The Deputy Director (Admn.)
S.V.P.N.P.Academy, Hyderabad.
2. The Assistant Director (Admn.)
Sardar Vallabhabai Patel National Police Academy,
Sivarampally, Hyderabad.
3. The Director, SVP National Police Academy, Hyderabad.
4. One copy to Secretary, Govt.of India,
Home(Ministry of Home Affairs), New Delhi.
5. One copy to Mr.B.Lingaiah Chaudary, Advocate, 16-2-739/48/9
Southern Side Street, RTA Office, Asmangad, Malakpet, Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M(ADMN)

DATED - 11-3-1995.

ORDER/JUDGMENT:

*with O.D.
copy*

M.A./R.A./C.A.No.

O.A.No.

in

337/95

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

no spare copy

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