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IN THE CENTRAL ADMINISTRATIVE TRIBUNA: HYDERABAD BENCH
AT HYDERABAD

O.A.NO.666/96

Date of Order: 24.9.96

BETWEEN:

B.K.Pradhan

.. Applicant.

AND

1. Director,
S.V.P. National Police Academy,
Vhivarampally, Hyderabad.
2. Asstt. Director (Administration),
Sardar Vallabhabhai Patel National
Police Academy, Shivrampally,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.J.M.Naidu

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

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

J U D G E M E N T

((Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Shri J.M.Naidu, learned counsel for the applicant and Shri V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA while working as a Head Constable in Central Industrial Security Force was deputed to SVP National Police Academy under R-1 in the same capacity on 24.4.92. He joined in that post on 24.4.92. The deputation is for a period of 3 years. In April 1995 after completion of 3 years deputation period the applicant represented for retaining him under R-1 for another period of one year. That was agreed to and he was continued till May 1996. He was releived by the impugned memorandum No. PF/2/HC-DVR-CISF/92 dated 9.5.96 (A-10) with the instruction to report to Director General, CISF, CGO Complex, Lodhi Road,

New Delhi for further posting. The applicant was on sick list from 6.5.96. However, in the meantime he submitted representations dated 25.6.96 (P-5 of the MA) to Director SVP Police Academy for extension of his deputation and also praying for transmission of this representation to CISF for continuing him on deputation in the SVP Academy. He submits that there is a criminal case pending against him in the court of Judicial 1st class Magistrate Saroornagar, Rangareddy Dist and in view of that his presence at Hyderabad is necessary. He further submits that if he transferred out of Hyderabad it will be ^a ^{him} ^{hardship} to present in court. He was informed by letter No.E-16015/12(1)/96/Estt.II/3253 dated 15.7.96 (page-16 of the MA) stating that he has been posted in the South Zone at Visakhapatnam and he should report there for duties under intimation to the headquarters at New Delhi. The applicant submits that the posting order is meant for his brother Sri B.K.Pradhan and ^{as his name} he is also B.K.Pradhan some confusion had taken place. His brother Sri B.K.Pradhan had joined at Visakhapatnam in pursuance of the posting order dated 15.7.96 referred to above. In view of the above he submitted a further representation addressed to R-1 by his representation dated 25.7.96 (page-18 of the MA) for retention in Hyderabad and to forward his case favourably to the CISF headquarters. But it is stated that no reply has been received to his representation dated 25.7.96.

3. This OA is filed challenging the memorandum No.PF/L/HC-DVR-CISF/92, dated 9.5.96 (A-10) whereby he was relieved to join CISF, ~~and~~ holding it as illegal, arbitrary and violation of Articles 14 and 16 of the Constitution of India and for a consequential direction to the respondents to extend the deputation period.

4. When the OA was taken up for hearing the learned counsel for the applicant submitted that he is not seeking the consequential

direction to extend his deputation under R-1 organisation. He only prays for posting him ~~near~~ Hyderabad in the CISF and to pay him the salary from 9.5.96 when he was relieved from SVP Academy till he joins in the CISF organisation as Head Constable Driver.

4. The main contention of the applicant in this OA is that he was not alerted well in advance before repatriating him to CISF. Further in other similar cases the employees were alerted well in advance and thereby they got sufficient time to prepare themselves for the repatriation. The applicant submits that he is not getting salary from 9.5.96 and in case he joins back in CISF organisation he may not get his salary from 9.5.96 till he joins in the CISF unit. He also submits that no movement order was issued to him to carryout his transfer on expiry of his deputation period in SVP National Police Academy. || The applicant himself has submitted that he is not praying for retention in SVP Academy. He is prepared to carryout his transfer to CISF, but his only request is that he should be posted in and around Hyderabad so as to enable him to attend the Court in connection with the criminal case pending against him. He further submits that his representation dated 25.7.96 for posting him suitably is not replied yet. If suitable movement order is given to him he will carryout his transfer and join at the new place of posting in the CISF unit.

5. In view of the above submission of the applicant I do not see any further adjudication necessary in this case except directing the Director General, CISF Headquarters, New Delhi to dispose of his representation dated 25.7.96 in accordance with the law taking due note of his request for retention in and around Hyderabad so as to enable him to attend the criminal case pending against him. The applicant further submits that the Director General CISF headquarters New Delhi should be impleaded

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for giving necessary direction to him. In view of this, MA. 740/96 in this OA praying for a direction to implead the Director of CISF, CGO Complex, M.H.A., Lodhi Road, New Delhi and Secretary to the Government of India, Ministry of Home Affairs, North Block New Delhi ^{is filed.} ~~are to be impleaded.~~ But I do not see any reason to implead ^{the above officials as they have} ~~them as they have~~ no function to perform except to issue the posting order for his repatriation to CISF. The Supreme Court in Rathilal B. Sony vs. State of Gujarat 1990-Supplimentary SCC 243 had held that a person on deputation could be reverted to his parent cadre at any time. In view of the above the CISF organisation cannot refuse to take him back in the CISF unit and post him at the appropriate place when he was released from SVP Academy. In view of the above the Director CISF should issue necessary orders for posting him forthwith. ~~Director~~

6. The next question ^{that} arises is in regard to his salary from 6.5.96 when he was taken on sick list till he joins the CISF unit in pursuance of the ^{future} ~~orders~~ ^{to be issued by} the Director CISF. The officer incharge of the new unit in which he has to join on the basis of the order to be issued by the CISF will decide the payment for the applicant in accordance with the law. If the applicant is going to be aggrieved by the order to be given by the new unit in regard to the payment of salary and allowances as above he is at liberty to approach the appropriate judicial forum.

7. In the result, the following direction is given:-


The Director CISF should dispose of the representation of the applicant dated 25.7.96 in accordance with the law and also issue the posting order to him on his repatriation to the CISF organisation expeditiously. The payment for the period from 6.5.96 till he joins in the new unit has to be decided by the officer-incharge of the unit in which he joins in future following the extant instructions. Time for compliance is 2 months from the date of receipt of a copy of this order.

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8. The OA is ordered accordingly. No costs.

9. A copy of the OA with enclosures, with judgement and also with MA to be docketed to Director, CISF, CGO Complex, Lodhi Road, New Delhi.



(R. RANGARAJAN)
Member (Admn.)

Dated: 24th September, 1996

(Dictated in Open Court)

Pratik
DI Regd 73/96

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Copy to:-

1. Director, S.V.P. National Police Academy, Vhivaram-pally, Hyderabad.
2. Asst. Director(Administration), Sardar Vallabhai Patel National Police Academy, Shivrampally, Hyd.
3. One copy to Sri. J.M.Naidu, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswar Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.
7. The Director, CTSF, C.G.O. Complex, Lodhi Road, New Delhi (with 04 copy with enclosure L1A)

Rsm/-

2/10/96

27.666/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 24/9/96

ORDER/JUDGEMENT
R.A./C.P./M.A.NO.

O.A.NO.

in
666/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

