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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 772/96

Date of Order : 18.2.98

BETWEEN :

1. M.Munirathnam
2. M.Venugopal
3. N.Malyadri
4. Smt.B.Ruthamma

-- Applicant

AND

1. The Chairman, Telecom Commission,
Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom,
S.P.Circle, Hyderabad. .. Respondents.

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Counsel for the Applicants .. Mr.S.Ramakrishna Rao

Counsel for the Respondents .. Mr.N.R.Devraj

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CORAM:

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

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.S.Ramakrishna Rao, learned counsel for the applicants and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. There are four applicants in this OA. The first applicant was appointed as Postal Assistant in the Postal Department on 26.6.78, the second applicant was appointed as Postal Assistant in the Postal Department on 19.8.80, the third applicant joined as Junior Accountant in the Postal Department w.e.f. 13.10.82 and the last applicant joined as Postal Assistant on 25.1.72. All the applicants

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had qualified in the JAOs examination in the year 1990, 1988, 1983 and 1990 respectively. They were promoted as Junior Accounts Officers and were posted to work at the office of the Director of Accounts (Postal) Hyderabad w.e.f. 14.2.92, 8.2.91, 17.9.91 and 2.3.87 respectively.

3. The Department of Telecom on bifurcation faced an acute shortage of Junior Accounts Officers for maintaining the revenue records of the Telecommunications Department. Hence the applicants herein were taken on deputation from Postal wing to Telecom wing since 1991 and they were performing the duties of JAO in the Telecom Department from then onwards. It is seen from the letter of Department of Telecom bearing No.18-7/89-SEA, dated 4.6.91 all these four applicants were taken on deputation as JAO in the Department of Telecom. It is made clear in para-3 of the letter that their posting as JAO on the Telecommunication side is purely temporary and on deputation basis and they will not have any claim of seniority in the parent cadre in respect of the services rendered by them in Telecom nor they will have any right for permanent absorption in Telecom Directorate. The deputation period of the applicants was further extended due to the shortage of staff in JAO cadre in the Telecom Department. However now the position in the Telecom Department had improved and because of that there were enough employees available in the Telecom Department to be promoted to the cadre of JAO replacing the applicants in this OA and repatriating them to the Postal Department. Hence the impugned repatriation order No.TAC/FC-1/18-II, dated 19.6.96 (A-1) was issued repatriating the applicants herein who are on deputation on Telecom Department to the parent cadre namely Postal Department.

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4. This OA is filed to set aside the impugned order No. TAC/FC-1/18-II, dated 19.6.96 (A-1) of R-2 proposing to repatriate the applicants from Telecom Department to Postal Department, duly declaring the action of the Respondent No.2 as arbitrary, unwarranted, frivolous and illegal and for a consequential direction to the respondents to absorb the applicants in Telecom Department as they have acquired the required knowledge and experience during the last 4 years, with all consequential benefits.

5. The grounds taken by the applicants for resisting the repatriation order are that

- (1) The decision of DOT was arbitrary, violative and as the applicants had qualified in the examination for the post of JAO.
- (2) The respondents continued them on deputation beyond normal tenure of deputation on the understanding of subsequent absorption.
- (3) A senior official had in a formal meeting decided to consider the absorption and the respondents could not subsequently go back on their decision.
- (4) Repatriation of the applicants after their having qualified in the examination would amount to lowering of the status of the applicants.

6. A batch of OAs were filed in the Principal Bench of this Tribunal. That batch namely OA.2465/95 along with the batch OA.2466/95 was disposed of on 8.4.97. There also the JAOs in the Postal Department deputed to Telecom side as JAO resisted their repatriation back to postal department when such a move was initiated. They filed the batch OA as referred to above which was decided by the Principal Bench. The Principal Bench had

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held that "the deputationists have no vested right to continue in the deputation posts and when they are repatriated they have to take the original place according to the seniority in the cadre to which they belong in the parent department and, therefore, the ground on which the repatriation orders were challenged were found to be unacceptable". Hence that OA was dismissed and the applicants' order for repatriation was upheld.

7. The present OA is also for an identical reason. The applicants here also were taken as deputationists as JAO in the Telecom Department and now they are repatriated back to the Postal Department as per the impugned order. For/Reasons stated by the Principal Bench in the judgement in the Batch OAs will hold good equally for the applicants in this OA for dismissing the prayer in this OA.

8. Hence we find no reason to allow this OA and hence the OA is dismissed and the impugned order is upheld. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated : 18th February, 1998

(Dictated in Open Court)


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Copy to:

1. The Chairman, Telecom Commission,
Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom,
A.P.Circle, Hyderabad.
3. One copy to Mr.S.Ramakrishna Rao, Advocate,CAT,Hyderabad.
4. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One duplicate copy.

YLKR

18/3/88 (6)

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

THE HON'BLE MR. B.S. JAI PARAMESHWAR :
M(J)

DATED: 18/2/88

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in

D.A.NO. 772/86

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLEGED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT