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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 62/97.

Date: 27--6--1997.

Between:

- 1. A.V.Krishna Rao.
 - 2. A. Chinnabba.
 - 3. B. Devadass.
 - 4. V.Ramakrishna.
 - 5. N.Kanaka Rao.
 - 6. G.Satyanarayana.
 - 7. T Srinivas.
 - 8. G.Nagaraju.
- Applicants.

And

- 1. Director, Central Bureau of Investigation, Govt. of India, Block No.3, 4th Floor, CGO Complex, Lodhi Road, New Delhi - 110 003.
 - 2. Director (V.I.), Department of Personnel & Training (AVD-II) Govt. of India, Ministry of Personnel, Public Grievances & Pension, North Block, New Delhi - 110 001.
 - 3. Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi 110 001.
- Respondents.

Counsel for the applicants: Sri S. Ramakrishna Rao
 Counsel for the respondents: Sri V. Rajeswara Rao.

CORAM:

- HON'BLE SRI H. RAJENDRA PRASAD, MEMBER (A) *8/2/6*
- HON'BLE SRI B.S. JAI PARAMESHWAR, MEMBER (J)

JUDGMENT.

(per Hon'ble Shri H. Rajendra Prasad, Member (A).

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Heard Sri S.Ramakrishna Rao for the applicants and
Sri V.Rajeswara Rao for the respondents on restoration.

1. The sole grievance of the applicants in this case is that despite the fact they have been serving on deputation with the CBI from periods ranging between

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8 and 12 years, the said organisation i.e., CBI, has not agreed to absorb them permanently. Their further complaint is that, although a well thought-out action was duly initiated for the absorption of deputationists like themselves, the process was not taken to its logical completion and that, before any absorptions in pursuance of that policy could be ordered on a meaningful scale, the policy itself was radically altered very abruptly. They also complain that deputationists seem to be getting absorbed on selective basis by a pick-and-choose method which puts them at a disadvantage and they therefore feel discriminated against.

2. Elaborate arguments were advanced from both sides on all aspects covering the case. The basic position now is that:

- a) The Hon'ble High Court of Delhi has gone into the entire gamut of facts concerning deputations and absorptions in CBI while setting aside ^{an earlier} order passed by the Principal Bench.
- b) The policy regarding absorption has ^{to changed perceptions of} changed owing presumably operational requirements, even if the same was somewhat abrupt and contrary to earlier decision of the Bureau.
- c) Neither the parent departments of the applicants like CRPF/CISF, are willing to spare the services of the officials

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for continuation of their deputation any longer, nor is the CBI willing to consider their absorption.

3. Under the circumstances we hold the view that--

- i) the applicants have not earned any vested legal right to insist for such absorption;
- ii) the lending departments, viz., CISF and CRP, have the full discretion and competence to agree or withhold concurrence for further spells of deputation of their personnel. Likewise, the borrowing department, viz., CBI has a similar discretion to absorb or repatriate personnel on deputation to their ^{- parent -} organisation.

4. The O.A., therefore, cannot be regarded as having any merit and needs to be dismissed on that very ground.

5. Having said so, we should, however, like to take note of the Standing Order No. 57 dated 25.2.1977 (which was brought to our notice by the learned counsel for the applicants) whereby Respondent No.1 notified a partial modification to the policy spelt out in Standing Order 28/96 dated 5.12.1996, which incidentally, gave rise to the original cause of action in this case. Our attention was drawn to this particular Standing Order (57/77) wherein it is stated that in exceptional cases Constables/Head Constables who are 'very good drivers or very good Computer Operators' may be considered for absorption in CBI. The Joint Directors concerned were asked to interview such personnel and certify regarding their competence, efficiency and

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usefulness and further to send such proposals to CBI Head Quarters through the Additional Director/ Special Director. In pursuance of this Standing Order, the Joint Director, CBI (South Zone), Chennai, interviewed 8 constables, who are the present applicants, on the recommendation of the Superintendent of Police and D.I.G., CBI, Hyderabad. The Proceedings of the interview held on 3-4-1997 to find out the suitability of these persons for absorption in CBI show that the said 8 persons were separately interviewed in the Chamber of the Joint Director and their technical qualifications, Certificates, Driving licence etc., were duly verified. A statement showing the assessment of their performance in Typing and Computer was appended to the said proceedings. On the basis of the said interview and assessment, the names of 4 constables, Sarva Shri N.Kanaka Rao (Applicant No.5), V.Ramakrishna (Applicant No.4), A.V.Krishna Rao (Applicant No.1), G.Satyanarayana (Appln.No.6) were found fit to be considered for absorption in CBI. Their names were, therefore, recommended for absorption subject to their integrity.

6. Since the said interviews were held in pursuance of the modified policy of the Director, CBI (Respondent No.1) it would be necessary for the said Respondent No.1 to take the recommendation into consideration in arriving at a suitable decision regarding their possible absorption in the light of the modified policy notified by the said


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Respondent (No.1) himself. It is, therefore, directed that the case of these 4 (four) constables be examined for absorption on the basis of the recommendations of the Joint Director, CBI (South Zone)Chennai. This may be done within a reasonable time. The remaining applicants are not eligible for similar consideration.

7. Thus the O.A., is dismissed and disposed of except to the extent indicated in paras 5 and 6 above.

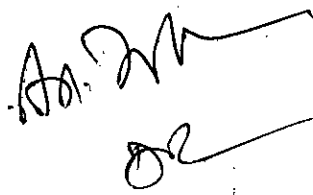

(B.S. JAI PARAMESHWAR)
MEMBER (J)
27.6.97


(H. RAJENDRA PRASAD)
MEMBER (A)

Date: June 27, 1997

Dictated in open Court.

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O.A.62/97.

1. The Director, Central Bureau of Investigation, Govt.of India, Block No.3, 4th Floor, CGO Complex, Lodhi Road, New Delhi-3.
2. The Director (V.I). Dept.of Personnel and Training (AVD-II) Govt.of India, Ministry of Personnel, Public Grievances and Pension, North Block, New Delhi-1.
3. The Secretary, Ministry of Home Affairs, Govt.of India, North Block, New Delhi-1.
4. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr. V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
6. One copy to HHRP.M(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

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CHECKED BY

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

The Hon'ble Mr. B.S. Jaisankar: M(A)

Dated: 27-6-1997

ORDER/JUDGMENT

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

in

O.A.No. 6297

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.

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केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
प्रेषण / DESPATCH
11 JUL 1997
HYDERABAD BENCH

2 drafts

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TYPED BY _____ CHECKED BY _____
COMPALED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD (A)

The Hon'ble Mr. B. S. Saifaraman (M) (10)

Date: 26-6-1997

~~ORDER/JUDGMENT~~

M.A./R.A./C.R. No. 598/97
in

O.A. No. 62/97

T.A. No. (w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed. O.A. restored.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH
21 JUL 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: A
HYDERABAD.

JA. No. 62/1997.

Date of order: 3-2-1997.

Between:-

1. A.V. Krishna Rao
2. A. Chinnabba
3. B. Devadass
4. V. Ramakrishna
5. I. Kanaka Rao
6. G. Satyanarayana
7. T. Srinivas
8. G. Nagaraju



Applicants.

and

1. Director, Central Bureau of Investigation, Govt. of India, Block No. 3, 4th Floor, CGO Complex, Lodi Road, New Delhi-110 003.
2. Director, (V.I), Department of Personnel & Training, (AVD-II), Govt. of India, Ministry of Personnel, Public Grievance & Pension, North Block, New Delhi-110 001.
3. Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi-110 001.

Respondents.

Counsel for the Applicant: Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. V. ^{Nijwar} ~~Rajeswara~~ Rao, CGO.

COURT'S

HON'BLE MR. JUSTICE M.G. CHANDRASI, VICE CHAIRMAN

HON'BLE SHRI R. NAND R. JAIN, MEMBER (ADMI.)

Hon'ble Tribunal made the following order:-

In the circumstances of the case and after hearing learned counsel, the J.A. is directed by consent to be listed for final hearing on 19.2.97 in Court No. 11 high in the list. Mr. V. Rajeswara Rao states that the reply filed will be relied upon. However, respondents will be at liberty to file additional reply if so advised but on or before 14.2.97. Status quo to continue until

14.2.97 subject to being continued thereafter by a special order.

CERTIFIED TO BE TRUE COPY

[Signature]
 न्यायालय अधिकारी
 COURT OFFICER

19/2/97, DY. REGISTRAR (JUB)

केन्द्रीय प्रशासनिक अधिकारी
 Central Administrative Tribunal
 हैदराबाद बेंच
 HYDERABAD BENCH

Section Officer
 (1) 10/10/97
 (2) 10/10/97
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न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

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