

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 832-OF-1997

DATE OF ORDER: - 22nd July, - 1997

BETWEEN:

BIMAL KUMAR

.. APPLICANT

AND

1. Scientific Adviser to Raksha Mantri & Secretary, Dept. of Defence Research & Development, Ministry of Defence, New Delhi 110 011,
2. The Director General, Research & Development, (for Director of Personnel, Pers-5), DRDO H.R., DHQ PO, New Delhi 110 011,
2. The Director, Naval Science & Technological Lab, Visakhapatnam 27,
4. The Project Director, Ship Building Centre, Visakhapatnam 14,
5. jThe Director, Directorate of Quality Assurance (Warship Project), Dept. of Defence Production, Ministry of Defence, DGQA, DHQ PO, New Delhi 110 011,
6. The Chief Quality Assurance Officer, Chief Quality Assurance Establishment (EFS), Ministry of Defence, Visakhapatnam 18,
7. The Programme Director (for PF(P&A), Head Quarters ATV Programme, Ministry of Defence, 3rd Floor, B-Block, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi 110 003,
8. Dr. AVN Ramalingeswar Rao. .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. A. SRINIVASA SARMA

COUNSEL FOR THE RESPONDENTS: Mr. V. RAJESWARA RAO, Addl. CGSC



## CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

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

Heard Mr.A.Srinivasa Sarma, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. This OA is filed to set-aside the order No.15590/RD/Pers-5 dated 3.6.97 (Annexure A-1 to the OA) whereby the applicant has been reverted back to his parent Department by holding the action of R-1 and R-2 as discriminative, illegal and arbitrary in not absorbing him inspite of strong recommendations of the respondents 3, 4 and 7 and absorbing R-8 permanently who is similarly situated like the applicant herein and for consequential direction to absorb him permanently as Scientist-B in the office of R-3 and R-4 with effect from 12.8.93 and to consider him for next post of Scientist-C with attendant benefits.

3. The applicant herein is a B.Sc. Chemical Engineering Graduate. He was initially selected through UPSC and appointed as Senior Technical Assistant in R-6 office for a period of about 9 years and two months. Against the circular No.15390/RD/Pers-5(Employment News), dated 21-27th November, 1992, applications were called for the post of Scientist-B in his <sup>the present</sup> unit. Being a qualified

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candidate, the applicant applied for the same and subsequently got selected in the open market competition. R-6 had issued the movement order dated 12.8.93 relieving him from the duties of Senior Technical Assistant and further directed him to proceed to R-3 to join the post of Scientist-B. R-6 further clarified in the movement order vide clause (7) that the applicant's lien on the job from which he <sup>was</sup> relieved would be for a period of two years with effect from 12.8.93. From then onwards he has been working as Scinetist-B at R-3 organisation at Machine Test Centre (MTC), the site of R-4. By the present impugned order, the applicant is now repatriated back to his parent department.

4. When the application was taken up for consideration on 8.7.97, we <sup>have</sup> asked the learned counsel for the respondents whether any representation of the applicant is pending in the present organisation where he is working on deputation to retain him in that organisation. An interim order was also given to the effect that "till such time the applicant, if he is not already relieved from the organisation in which he is now working on deputation, should not be relieved until 24.7.97". Today the learned counsel for the respondents produced a telegraphic message addressed to him dated 16.7.97 wherein it is stated that the applicant has not filed any representation for his retention as Scinetist-B in the present organisation and the learned counsel for the respondents was further directed to inform the Bench that the applicant cannot claim as a matter of right for his permanent absorption as Scientist-B in the Department as

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his deputation in the Department is only for a specific period.

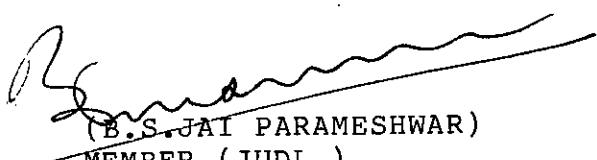
5. The learned counsel for the applicant now submits that he has been selected as Scientist-B in the open competition and hence he has lien with the present department and hence his repatriation ~~back~~ to earlier department does not arise. Further he also submits that Rule 6 of the present Department in which he is working provides for absorption of deputationists in that organisation. He also claims that the respondents 3, 4 and 7 had favourably considered his case and recommended for his retention. In view of the above, the learned counsel for the applicant now submits that his repatriation back to his parent department is irregular and is against the rules.

6. The appointment order appointing him as ScinetistB in the present organisation was not produced. Rule 6 cannot give right to the Department to absorb him permanently without following the extant rules in this connection. But these are the matters for consideration by the concerned department for his retention as Scientist-B applicant should have filed a detailed representation stating his claim on the basis of the rules and other documents for his retention. But as stated by the respondents, no representation has been filed by the applicant in this connection so far. Hence we are of the opinion that the applicant should now file a detailed representation within a fortnight from today for his



permanent retention in the present organisation to the concerned authority. If such a representation is received, that authority should dispose of the same in accordance with the rules. Till such time his representation as per the above stipulation is disposed of, the applicant should not be relieved from his present department.

7. The OA is disposed of as above. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

22.7.97

DATED: - 22nd July, - 1997  
Dictated in the open court.

  
D.R.(J)

vsn

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**Copy to:**

1. The Scientific Adviser to Raksha Mantri & Secretary, Dept; of Defence Research & Development, Ministry of Defence, New Delhi.
2. The Director General, Research and Development, (for Director of Personnel, Pers-5), DRDO HR PO, New Delhi.
3. The Director, Naval Science & Technological Lab, Visakhapatnam.
4. The Project Director, Ship Building Centre, Visakhapatnam.
5. The Director, Directorate of Quality Assurance (Warship Project) Dept. of Defence Production, Min. of Defence, DGQA, DHQ PO, New Delhi.
6. The Chief Quality Assurance Officer, Chief Quality Assurance Establishment(EFS), Min. of Defence, Visakhapatnam.
7. The Programme Director (for PF (P&A), Head Quarters AT&V Programmes, Min. of Defence, 3rd Floor, B-Block, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.
8. One copy to Mr.A.Srinivasa Sarma, Advocate,CAT,Hyderabad.
9. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,CAT,Hyderabad.
10. One copy to D.R(A),CAT,Hyderabad.
11. One duplicate copy.

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25/2/97  
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TYPED BY  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

DATED: 22/7/97

ORDER/JUDGEMENT

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

in  
O.A. NO. 832/97

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court

केंद्रीय प्रशासनिक विविधकरण  
Central Administrative Tribunal  
प्रेषण/DESPATCH

24/11/1997

हैदराबाद अधीनस्थ  
HYDERABAD BENCH