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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1715/97

dt.1-7-99

Between

G. Venkateswarlu

: Applicant

and

1. Dy. Director
Intelligence Bureau
East Blcok, Block No.8,
RK Puram, New Delhi 22

2. Jt. Asstt. Director
IB, East Block 8, RK Puram
New Delhi 22

3. Central Intelligence Officer
40-1-30/A, Bandar Raod
Labbipeta, Vijayawada

4. Asstt. CIO-I
58-11/12-A, Santhapeta
Ongole, Prakasam Dist.

5. Asstt. Director
Subsidiary Intelligence Bureau
Min. of Home Affairs
Govt. of India,
5-9-13, Taramandal
7th floor, Saifabad
Hyderabad-4

6. Company Commander
GC, CRPF, Jarodhakalan
New Delhi 72

: Respondents

Counsel for the applicant

: V. Padmanabha Rao
Advocate

Counsel for the respondents

: V. Rajeswara Rao
CGSC

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Judl)



Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Mr. V. Padmanabha Rao for the applicant and Mr. V. Rajeswara Rao for the respondents.

1. The applicant in this OA joined in IB as Junior Intelligence Officer Gr.II on Deputation from CRPF in the month of February, 1989. He was relieved on 30-4-1997 to join back his parent department by office order dated 15-4-1997 and it was stated that he stood relieved with instruction to report for duty to the Commandant 65 Bn., CRPF Manthripukri, Imphal, Manipur, by office order No. 286/97 (Annex.I). The applicant earlier submitted a representation dated 26-4-1997. He approached this Tribunal by filing OA.527/97 for setting aside the impugned order dated 15-4-1997 and for consequential direction to retain him in Intelligence Bureau.

2. OA.527/97 was disposed of by order dated 29-4-1997 directing the authorities to dispose of his representation if and till the disposal of that representation/he applies for leave the same should be granted.

3. It is now stated that his representation also has been rejected though the learned counsel for the applicant states that no such rejection order was served on the applicant. But it was received by him later when a contempt notice was filed by the applicant.

4. The present OA is filed for a declaration that the action of the respondents in not serving office. order dated 19-8-1997 (Annex.I) on the applicant and enclosing the same as Annex.5 to the reply affidavit on behalf of the respondents in the earlier OA.1059/97 which is pending and sending the

same to the counsel for the applicant under certificate of posting which was received by the counsel on 24-11-1997 is illegal, arbitrary, unjust and for a consequential direction to set aside the impugned order dated 19-8-1997 whereby it is stated that he stood relieved from IB organisation for repatriation to the CRPF Organisation.

5. The main point for consideration in this OA is whether the applicant can be repatriated to his parent department viz. CRPF from IB. The main contention of the applicant is that he has served in IB right from 1989 onwards and his work was found to be very satisfactory. All his colleagues who also joined IB from CRPF were retained in IB and singling him out and repatriating ^{him} back to CRPF is illegal and arbitrary. He also submits that none of the letters was received, though it is stated that it was addressed to his address ~~and~~ it is incorrect to serve it at house address. He should have been told about the issue of various notices either by personal messenger or personally contacted ^{ing} him.

6. The respondents in their reply stated that the house address has been given by the applicant and he was addressed several times to the known address as intimated by the applicant himself. If there is any change in the address the applicant should have taken the initiation to inform the respondents. The applicant did not do so. They have enclosed (Annex.3) to their reply ^{a letter} dated 10-3-1999 stating that there are 10 communications sent to the applicant's known address as intimated by him and all the letters had been returned back as the applicant was not available at that address. The respondents were not aware of the whereabouts of the applicant and hence they came to the

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conclusion that no further action can be taken and that his relief from Intelligence Bureau has to be effected. In para-7 of the reply the respondents submit that the applicant visited IB Office at Ongole on 7-6-97 when he was served the deputation communications and handed over to him. But this is disputed by the learned counsel for the applicant.

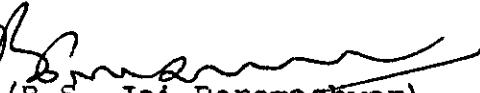
7. The rule position in regard to continuing on deputation or absorption in the deputed organisation is very clear that no deputationist can insist for absorption in the deputed organisation. For this the applicant submits that his option was called for absorption in the IB organisation but no decision has been taken. It is not understood as to why his option ^{was} ~~is~~ asked for. The option letter does not vest any right on the applicant to continue in IB. His option can be accepted or rejected then only further action can be taken either to retain or to repatriate him. The department should have acted more cautiously in this connection. The department felt it necessary to serve notice on him. It should have taken sufficient precaution to fulfill that objective by following the extant rules. Though it is stated that he refused to take notice served on him the department could have pasted such notice ^{Notice} on the Board witnessed by some responsible official from the office and followed the suitable procedure. But no such follow up action was taken. But such lapse may not help the applicant to continue in IB when his parent office CRPF wants him back in that organisation. Even if some who joined along with him in IB were absorbed that will not give any right to the applicant to claim that he should also be retained in IB. We do not consider it a case of discrimination.



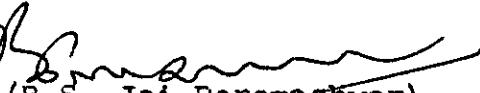
8. The law of deputation and repatriation is settled by various judgements which have been referred to in OA.1222/98 on the file of the Principal Bench dated 8-10-1998. There is no escape for the applicant except to go back to his parent department. In a similar case the view as expressed by us as above was also the view expressed by the Principal Bench in OA.1222/98.

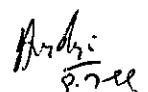
9. In view of what is stated above we find no merit in this OA and accordingly it is dismissed.

10. However, the intervening period from the date of relief till the applicant joined in CRPF organisation be considered by the competent authority and regularised in accordance with law. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)


(R. Rangarajan)
Member (Admn.)


1.7.99
Dated : July 1, 1999
Dictated in Open Court


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9.7.99

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1st AND IInd COURT.

COPY TO:-

1. H.D.H.N.J
2. H.H.R.P.M.(A)
3. H.C.S.J.P.M.(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B.S. JADIPARAMESHWAR
MEMBER (JUDU)

ORDER: Date. 17/99

ORDER / JUDGMENT

MA. / RA. / CP. NO

IN

CA. NO. 175/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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