

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD
***C.A. 433/99.Dt. of Decision : 24-01-2000.

Dr. A.N. Verma

.. Applicant.

Vs

1. The Union of India rep. by its Secretary, Min. of Home Affairs, North Block, New Delhi-01.
2. The Director General, Bureau of Police Research & Development, Mih. of Home Affairs, Govt. of India, CGO Complex, Lodhi Road, New Delhi-03.
3. The Director, Central Forensic Science Laboratory, Ramnagar, Hyderabad. .. Respondents.

Counsel for the applicant : Mr. K. Sudhakara Reddy

Counsel for the respondents : Mr. B. N. Sharma, Sr. CGSC.

CORAM:-

THE HON'BLE SHRI JUSTICE D. H. NASIR : VICE CHAIRMAN

THE HON'BLE SHRI S. MANICKAVASAGAM : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI S. MANICKAVASAGAM : MEMBER (ADMN.))

Heard Mr. K. Sudhakara Reddy, learned counsel for the applicant and Mr. M. C. Jacob for Mr. B. N. Sharma, learned counsel for the respondents.

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2. The applicant who was working in the office of the Controllerate General of Indian Bureau of Mines, Nagpur was ^{and posted} selected for the post of Assistant Director (Toxicology), Bureau of Police Research and Development for a period of 3 years. The applicant joined the said office on 02-04-1997 and therefore would normally serve till the end of 3 years period viz., 02-04-2000. However, in between, the respondents' department issued a letter to the applicant that he can be relieved of his duties from the laboratory with effect from 31-03-1999. It is stated in the application that the applicant took up the job on deputation to continue in Hyderabad for 3 years and therefore such termination of the deputation after 2 years would cause him lot of difficulties. Under these circumstances he came before this Tribunal seeking the following relief:-

"To declare that the applicant herein is entitled to complete the three years period of deputation in the third respondent office as per the orders No.18/30/93-Admn.II dated 4-3-98 i.e., upto 2-4-2000 and further declare the premature repatriation of the applicant to his parent department without giving any reasons in their impugned memo dated 17-03-1999 as clearly illegal, arbitrary and violative of the article 14 and 16 of the Constitution of India and be pleased to pass such other and further order or orders as may be deemed fit and proper in the circumstances of the case."

3. At the time of admission, interim stay was granted which continues till now. Thereafter the respondents' department have filed a detailed reply. It is stated in the reply that the work and performance of the applicant was not found to be of the expected level. Therefore, after careful consideration it was decided to repatriate him to the parent department. Though the applicant was notified in October, 1998 and the applicant while replying the notice submitted that he will

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require one year i.e., the end of academic year 1999 to go back to the parent department. To continue even further and had approached the Tribunal ^{So} ~~to say that~~ ^{he can stay till the} ~~his~~ original period of deputation is viz., upto 2nd April, 2000.

4. We have heard the learned counsel for both the sides. It is stated on behalf of the learned counsel for the applicant that the applicant is willing to get repatriated as soon as the deputation period is over i.e., on 2-4-2000 which is only two months away. The learned counsel for the respondents mentioned that the applicant on his commitment agreed for getting back to the parent cadre last year itself. However he left the decision to the wisdom of the Hon'ble Tribunal.

5. It is admittedly the fact that the applicant was originally issued with the order for deputation for 3 years which ends on 2-4-2000. However, as stated in the reply to the OA the applicant's services were not found to be ^{at the} expected level and therefore the respondents wanted to repatriate him at the earliest. As time has ~~been~~ passed, the applicant is almost the ^{with} end of his normal tenure of deputation ~~which~~ two months to go. With regard to the fact and special circumstances of the case we are of the view that the applicant ^{may be} ~~is~~ permitted to continue on deputation as per the original order till 2-4-2000. Thereafter he shall be repatriated. We do not find any reason to interfere at this belated stage. Accordingly, the OA is allowed. No costs.

S. Manickavasagam

(S. MANICKAVASAGAM)
MEMBER (ADMN.)

D. H. Nasir

(D. H. NASIR)
VICE CHAIRMAN

Dated: The 24th Jan. 2000.
(Dictated in the Open Court)

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